

ORDINANCE NO. 1491

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING THE SHORELINE MASTER PROGRAM FOR THE CITY OF BONNEY LAKE BY ADOPTING THE OFFICIAL SHORELINE ENVIRONMENTAL DESIGNATION MAP; ADDING A NEW CHAPTER TO THE BONNEY LAKE COMPREHENSIVE PLAN ENTITLED "SHORELINE ELEMENT"; ADDING ARTICLE III TO TITLE 16 OF THE BONNEY LAKE MUNICIPAL CODE CONSISTING OF THIRTEEN CHAPTERS ENTITLED "SHORELINE CODE"; AMENDING CHAPTERS 16.20 AND 16.22 OF THE BONNEY LAKE MUNICIPAL CODE RELATED TO THE REGULATIONS OF WETLANDS, AND SECTION 16.30.050 RELATED TO THE REGULATION OF STREAM BUFFERS; AND REPEALING CHAPTER 16.08 OF THE BONNEY LAKE MUNICIPAL CODE AND SECTION 16.20.160.

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; and

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; and

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;

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 September 23, 2014

BMP: Best Management Practice

DBH: Diameter at breast height

DOE: Washington State Department of Ecology

EIS: Environmental Impact Statement.

OHWM: Ordinary High Water Line

LID: Low Impact Development

OWHM: Ordinary High Water Mark

RCW: Revised Code of Washington.

SED: Shoreline Environment Designation

SEPA: State Environmental Policy Act, Chapter 43.21C RCW, as amended

SMA: Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended

SMP: Shoreline Master Program adopted by the City of Bonney Lake and approved by the Department of Ecology

SHB: Shoreline Hearings Board

WAC: Washington Administrative Code.

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
18. Guidelines

19. Must
20. Nonwater-oriented
21. Priority habitat
22. Priority species
23. Provisions
24. Restore
25. Restoration
26. Shall
27. Shoreline areas
28. Shoreline jurisdiction
29. Shoreline modifications
30. Should
31. Significant vegetation removal
32. Substantially degrade
33. Water-dependent use
34. Water-enjoyment use
35. Water-oriented use
36. Water quality
37. Water-related use

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.

“Critical Areas Code” means the City of Bonney Lake’s Critical Areas Code codified in Chapter 16.20 BLMC through Chapter 16.30 BLMC adopted by Ordinance Numbers 1070 (2004), 1189 (2006), 1252 (2007), 1301 (2009), 1325 (2009), and 1491 (2014).

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 pier.

“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

16.36.130 “J”

RESERVED

16.36.140 “K”

RESERVED

16.36.150 “L”

“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.

16.36.160 “M”

“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. 1491 and adopted September 23, 2014, 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 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: All structures and developments shall be setback a minimum of 200 feet from the OHWM; except as provided in BLMC 16.56.100(8) and (9).

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 symbols 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.

Shoreline Uses	Residential - Low Density	Residential - High Density	Park	Natural	Aquatic
Resource Land Uses					
Agriculture	X	X	X	X	X
Aquaculture	X	X	X	X	X
Forest Practices	X	X	X	X	X
Mining	X	X	X	X	X
Commercial Uses and Development					
Water oriented uses	X	X	X	X	X
Non-water oriented uses	X	X	X	X	X
Industrial Uses and Development					
Water oriented uses	X	X	X	X	X
Non-water oriented uses	X	X	X	X	X
Recreational Uses and Development:					
Docks and Piers	P	P	P	X	P
Parks or Picnic Areas	P	P	P	X	X
Trails or Walk-ways	P	P	P	P	X
High intensity recreational activities	X	X	P	X	X
Transportation and Parking Facilities					
Causeways	P	X	X	X	X
Roadways	P	P	P	X	X
Railroads	X	X	X	X	X
Parking Facilities – primary	X	X	X	X	X
Parking Facilities – accessory	Same as the primary use it supports				X

Shoreline Uses	Residential - Low Density	Residential - High Density	Park	Natural	Aquatic
Residential Uses and Development					
Single Family Dwelling	P	X	X	X	X
Accessory Dwelling Units	P	X	X	X	X
Duplex	P	P	X	X	X
Multifamily Dwelling	X	P	X	X	X
Subdivisions and Short Plats	P	P	X	X	X
Live-aboard vessels	X	X	X	X	X
Boating Uses and Facilities					
Docks and Piers	P	P	P	X	See adjacent upland SED
Boating Ramps	X	X	P	X	
Covered Moorages	X	X	X	X	
Boat Houses	X	X	X	X	
Temporary Moorage ¹	P	P	P	X	
Marinas	X	X	X	X	
Launching Rails	X	X	X	X	
Utilities					
Water System Treatment Plants	X	X	X	X	X
Sewage Treatment Plants	X	X	X	X	X
Electrical Generation Plants	X	X	X	X	X
Electrical Substations	X	X	X	X	X
Solid Waste Disposal Facilities	X	X	X	X	X
Accessory Utilities	Same as the primary use it supports				
Utility Transmission Facilities	P	P	P	C	X
Personal Wireless Facilities	C	C	C	X	X
Radio towers	X	X	X	X	X
Municipal Well Facilities	X	X	X	C	X

¹ Temporary moorages are only allowed to be used for vessels supporting construction activities

Shoreline Modifications	Residential - Low Density	Residential - High Density	Park	Natural	Aquatic
Structural Shoreline Stabilization	C	C	C	X	See adjacent upland SED
Piers and Docks	P	P	P	X	
In-Stream Structures	X	X	X	X	
Fills	P	P	P	C	C
Clearing and Grading	P	P	P	C	N/A
Dredging	X	X	X	X	C
Dredge Disposal	C	C	C	X	C
Dikes and Levees	X	X	P	P	C
Shoreline Enhancement Projects	P	P	P	P	P

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 from streams or lakes shall be designed, operated, and maintained to preserve 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.

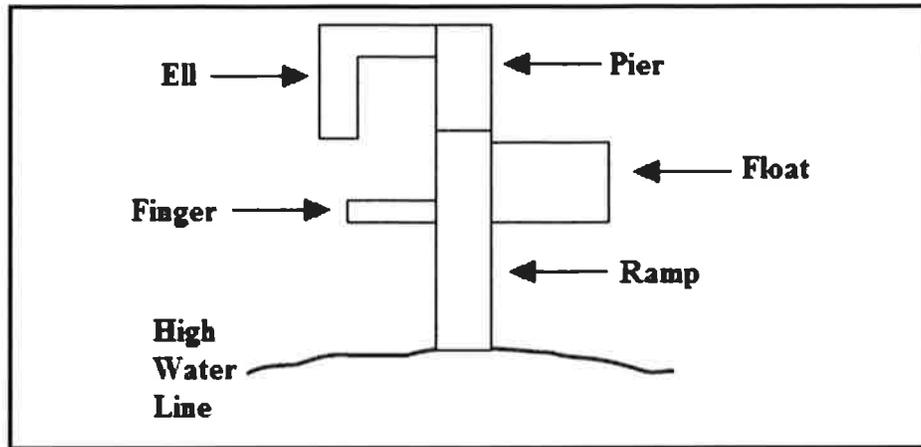


Figure 1: Diagram of Typical Pier/Dock Elements

- 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:

Description	Measurement
Area	
Single Property Owner	360 Square Feet
Shared by two property owners	580 Square Feet
Shared by 4 or more property owners or dwelling units	1,000 Square Feet
Maximum Length	
Fingers and Floats	20 Feet
Ells	25 Feet
Maximum Width	
Portion of the walkway within 30 feet of the OHWM	4 Feet
Portion of the walkway greater than 30 feet from the OHWM	6 Feet
Ell and Float	6 Feet
Finger	3 Feet
Ramp connecting a Pier to a Float	3 Feet
Height	
Minimum height above the OHWM measured for the OHWM to the bottom of the stringers on the dock/pier	1 ½ Feet
Maximum height above the OHWM measured from the OHWM to the top of the decking	5 Feet
Location of Specific Structures	
Minimum distance of ells, fingers, floats, buoys, moorage buoys from shore as measure waterward of OHWM	30 Feet
Minimum distance from decks/piers located on adjacent properties	20 Feet
Minimum distance between piers	12 Feet

- 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 deck 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.

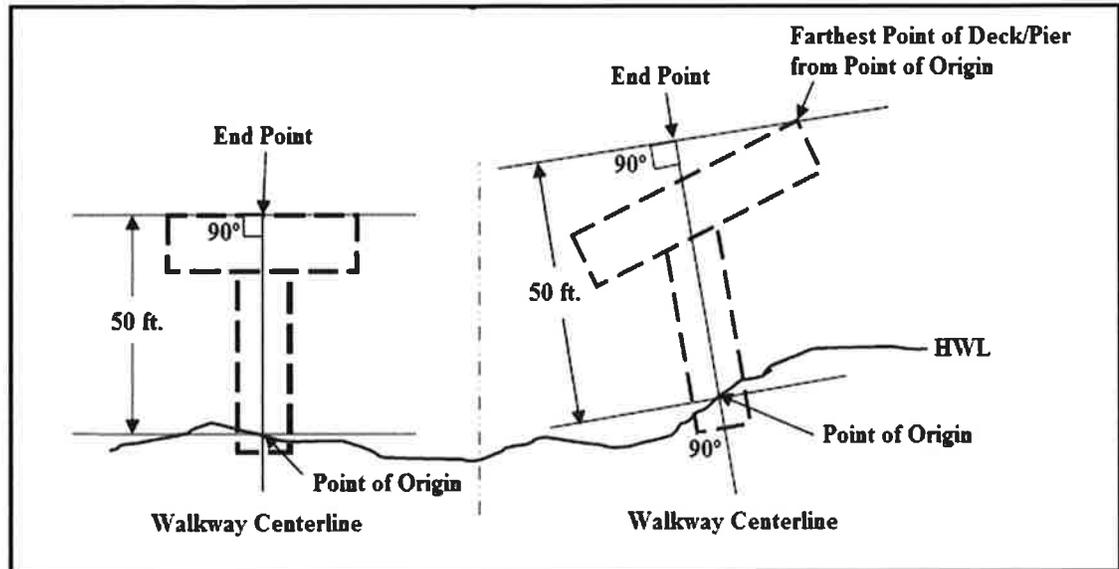


Figure 2: Maximum Length of Overwater Structures

- 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 located below the pier or dock deck and above the waterline.
 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. 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.I.4.
 - b. Replacement piles must comply with the requirements of BLMC 16.54.030.I.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.I.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 OWHM 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 located waterward of the OHWM allowed pursuant to the use and modification table in BLMC 16.50.020 shall be demonstrated necessary to support a:
 - 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 located landward of the OHWM allowed pursuant to the use and modification table in BLMC 16.50.020 shall only be allowed in support of a permitted use or development.
- C. 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
 - 2. Adversely alter natural drainage patterns.
- D. 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 form 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 met:
 - 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 forward 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 Department 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 Washington State Department 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 Washington State Department 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 Washington State Department 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.

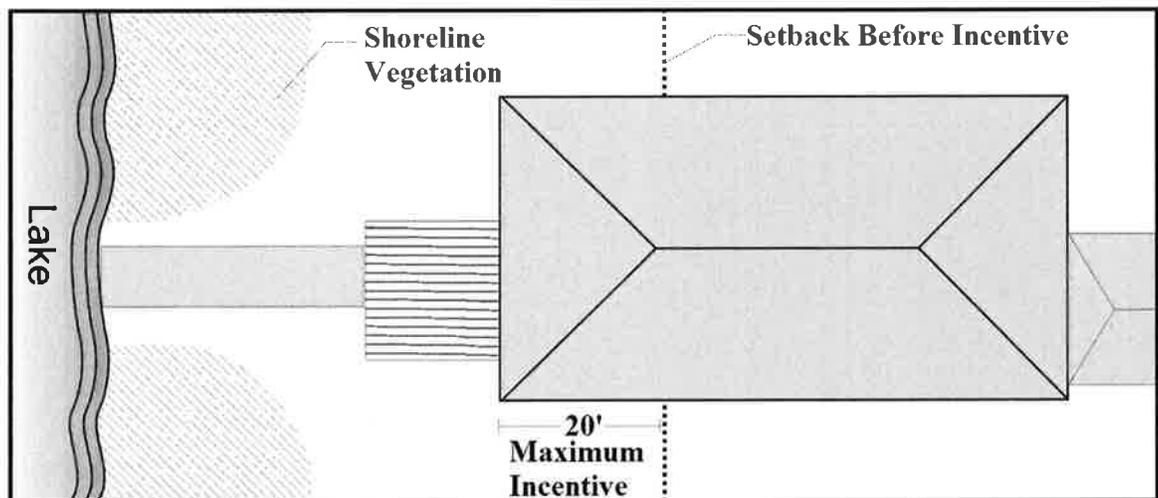


Figure 3: Shoreline Setback bonus for shoreline vegetation.

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.

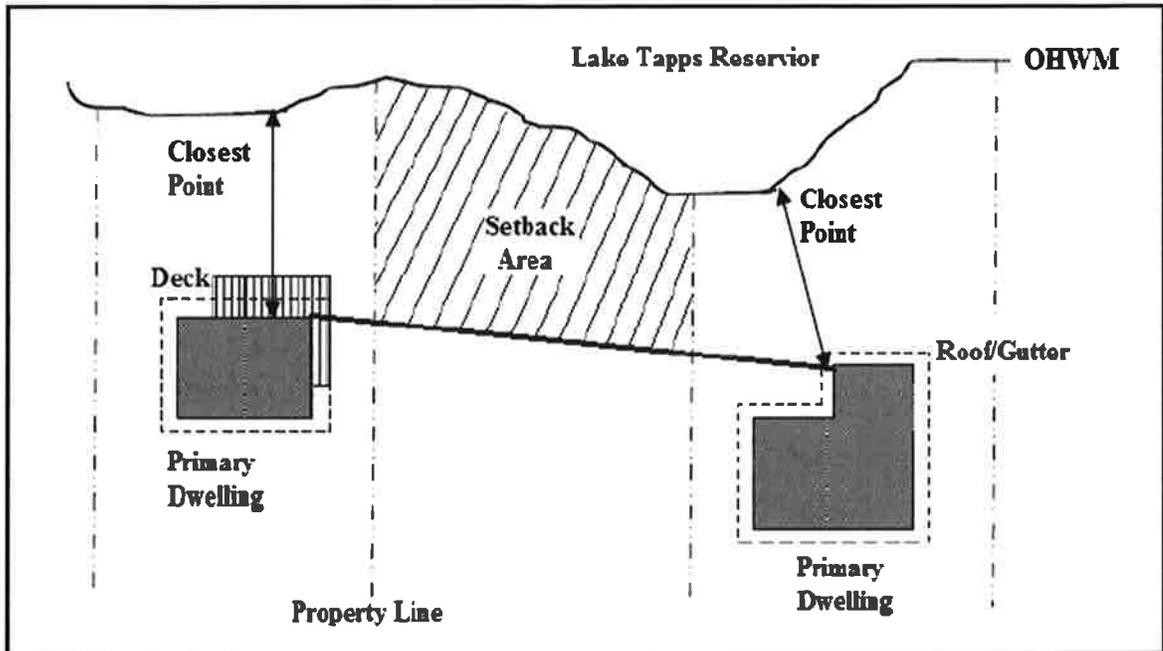


Figure 4: Example of shoreline setbacks for middle home based on average adjacent shoreline setbacks.

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.

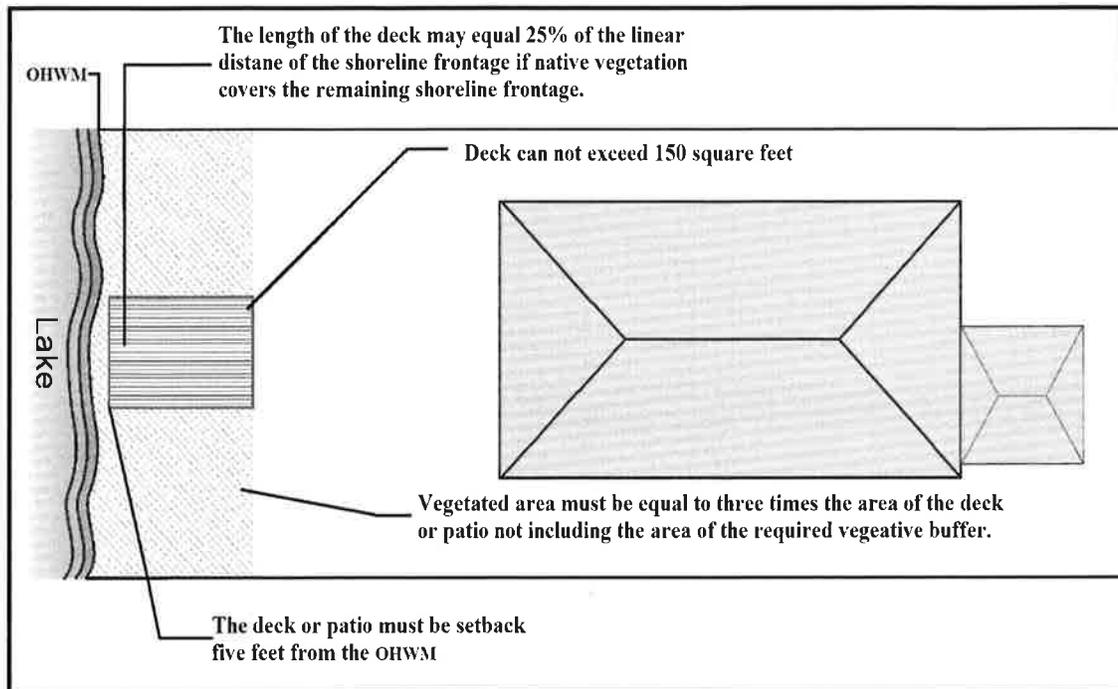


Figure 5: Waterfront deck bonus for lots

- 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.

- C. Residential development shall utilize the BMPs for Single Family Residence in the Pierce County 2008 Stormwater Management and Site Development Manual – Volume IV Chapter 3.
- 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.

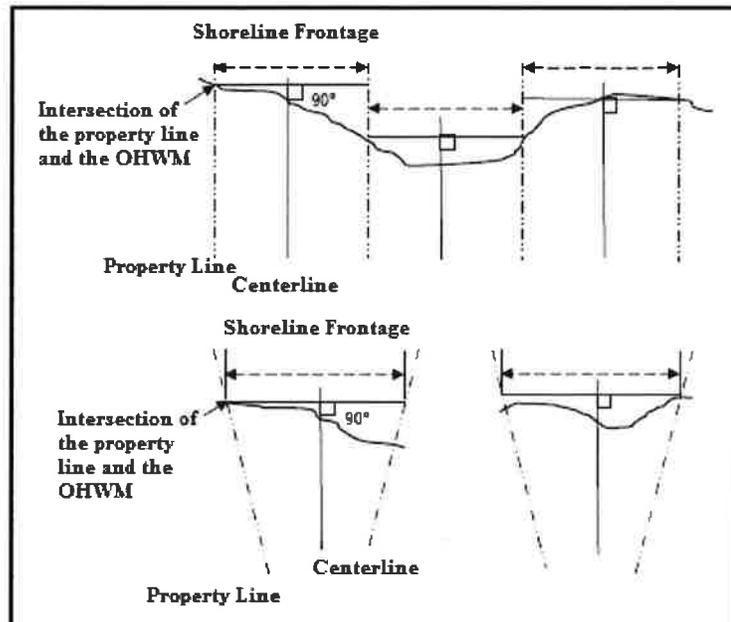


Figure 6: Determining Shoreline Frontage

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.

9. Utility transmission lines and municipal well facilities subject to the requirements in BLMC 16.52.070 and BLMC 16.56.110 where no other feasible location exists. Such structures shall be placed as far from the OHWM as feasible.
- 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.

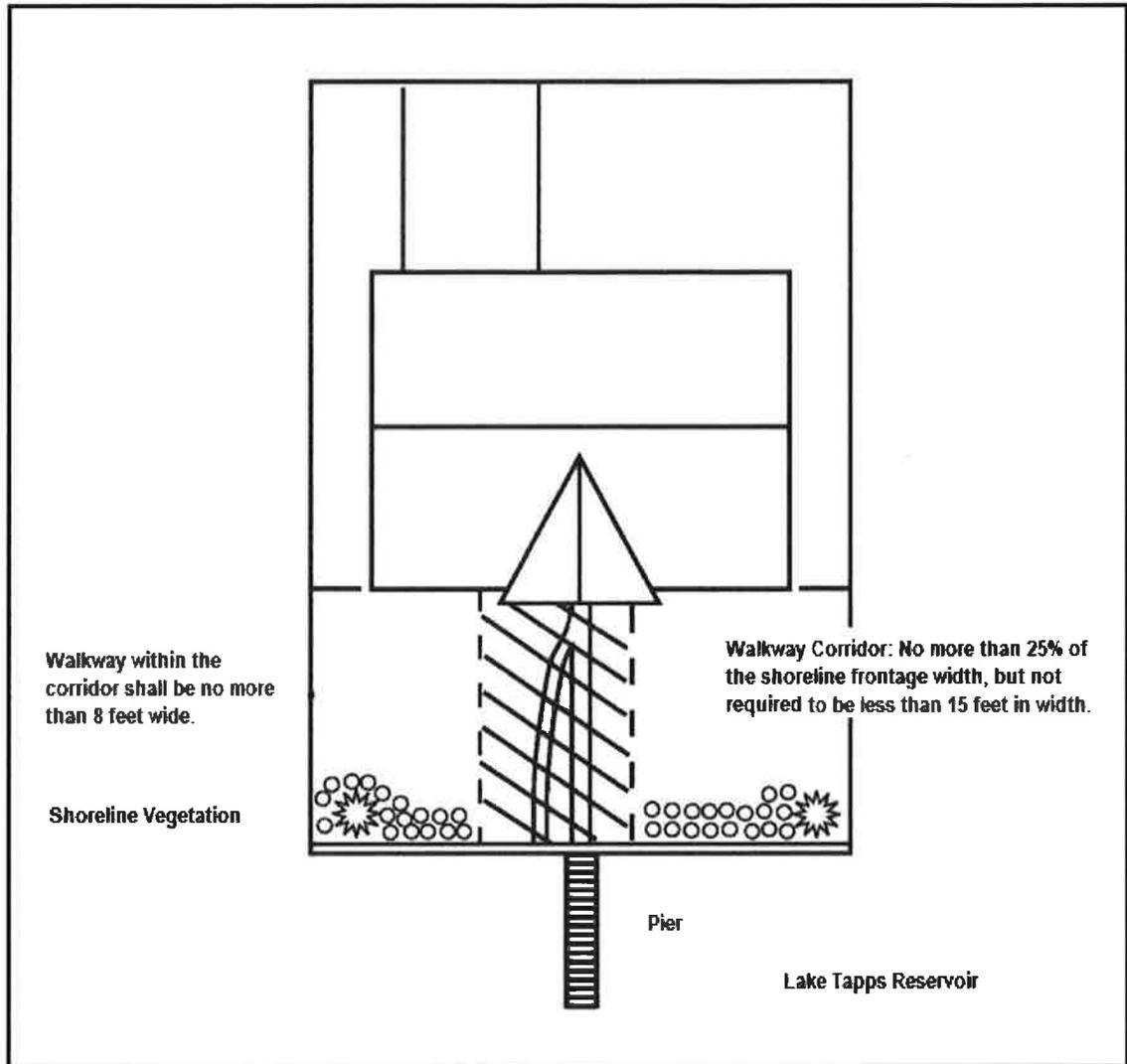


Figure 7: Maximum Walkway Corridor

- C. Accessory structures, appurtenances, and other development not addressed in the 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; 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; and
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; and
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 obtain 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; and

- 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;
 - 5. That the public interest suffers no substantial detrimental effect; and
 - 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;
 6. That the public interest will suffer no substantial detrimental effect; and
 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 Administrators 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;
 - 5. Affidavit of public notice; and
 - 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 filing.
 - 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 filing.
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 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 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 provided per 16.20.130.E; 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. 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.

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 1987 Corps of Engineers Wetlands Delineation Manual and the 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) or as revised. 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.

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. 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 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.

Overall Wetland Rating	Habitat Score	Intensity land use on the upland side of the buffer		
		High ¹	Moderate ²	Low ³
Category I	29 – 36 points	300 feet	225 feet	150 feet
Category I	20 – 28 points	150 feet	110 feet	75 feet
Category I	19 points or less	100 feet	75 feet	50 feet
Category II	29 – 36 points	300 feet	225 feet	150 feet
Category II	20 – 28 points	150 feet	110 feet	75 feet
Category II	19 points or less	100 feet	75 feet	50 feet
Category III ⁴	20 points or greater	150 feet	110feet	75 feet
Category III ⁴	19 points or less	80 feet	60 feet	40 feet
Category IV ⁴	0 points or greater	50 feet	40 feet	25 feet

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.

⁴For 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.
- D. 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.
- E. 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.

- F. 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.
- G. 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 satisfied by restoring former wetlands, creating wetlands, or enhancing degraded wetlands, consistent with the Wetland Mitigation in Washington State – Parts 1 and 2 (2006) or 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 – Parts 1 and 2 (2006) or as revised.
- F. Compensatory mitigation shall be 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); or the mitigation ratios found in Wetland Mitigation in Washington State – Parts 1 and 2 (2006) as revised.
- 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.

Stream type	Standard buffer width
Type S (subject to Shorelines Management Act)	200 feet
Type F (fish-bearing other than S)	150 feet
Type Np (nonfish, perennial)	100 feet
Type Ns (nonfish, seasonal)	35 feet

- 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. To the extent facilities are allowed in habitat conservation areas, the following regulations shall apply:
 - 1. Trails: See BLMC 16.20.130(B)(3).

2. Road bridges and culverts shall be designed according to the Washington Department of Fish and Wildlife “Fish Passage Design at Road Culverts,” 1999, and the National Marine Fisheries Service “Guidelines for Salmonid Passage at Stream Crossings,” 2000.
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.
7. Watercourse Alterations. See BLMC 16.26.030(H).

Section 25. 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 26. Repealer. The previously codified provisions of Chapter 16.08 BLMC and Sections 1 – 5 and 11 of Ordinance No. 404, Sections 5, 5A and 12 of Ordinance 404A, Sections 7 and 8 of Ordinance 555, Sections 4 and 5 of Ordinance 639 and the corresponding portion of Section 2 of Ordinance 988 are each repealed.

Section 27. Repealer. BLMC Section 16.20.160 and the corresponding portion of Section 2 of Ordinance No. 1070, 2004 is hereby repealed.

Section 28. This Ordinance shall take effect and be in force fourteen (14) days from the date of the Department of Ecology’s written notice of final action to the City of Bonney Lake stating the Department of Ecology has approved the Bonney Lake SMP pursuant to RCW 90.58.090(7)

PASSED by the City Council and approved by the Mayor this 23rd day of September, 2014.



Neil Johnson, Jr. Mayor

AUTHENTICATED:



Harrywood T. Edvalson, MMC, City Clerk

APPROVED AS TO FORM:



Kathleen Haggard, City Attorney

ORDINANCE NO. 1491
ATTACHMENT "A"

FINDINGS OF FACT AND CONCLUSIONS

Having considered in detail both the oral and documentary evidence received concerning the update to the City of Bonney Lake's Shoreline Master Program, the Bonney Lake City Council now makes and adopts the following Findings of Fact and Conclusions:

FINDINGS OF FACT

Shoreline Jurisdiction

- 1) The Watershed Company and Makers prepared the document entitled *Shoreline Analysis Report for City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* dated June 24, 2010 (Shoreline Inventory and Characterization Report).
- 2) The Shoreline Analysis Report identified the shorelines of the state which include portion of Fennel Creek and Lake Tapps to include the portion of the Printz Basin Flume within the City of Bonney Lake.
- 3) Upon further review it was determined that the Printz Basin Flume within the City of Bonney Lake is not considered a shoreline of the state regulated under the Shoreline Management Act (Chapter 90.58 RCW) and the City's Shoreline Master Program based on the following:
 - a. The water diversion facilities associated with the White River, Printz Basin, and Lake Tapps are specifically identified in the Department of Ecology's Shoreline Master Plan Handbook (DOE Publication Number 11-06-010) as an example of a water feature that is not a shoreline of the state:

The Lake Tapps Water Diversion was built in 1911 by the company currently doing business as Puget Sound Energy (PSE) to produce hydroelectricity. In 2004, PSE terminated the power generation operation, and in 2009 the Cascade Water Alliance (Cascade) bought the entire diversion system from PSE. Cascade intends to retrofit the diversion system and utilize it as a source of municipal drinking water.

Water is conveyed through several types of structures for more than eight miles, which starts at the diversion dam at White River Mile 24.3, **to its termination at Lake Tapps**. (Emphasis added) To maintain the flume, regular dredging and vegetation removal is necessary.

The diverted water initially flows through an above grade wooden and cement flume; the water then flows through a constructed, earthen canal at approximately the crossing point of highway 410; the open channel then transitions into a series of underground pipes until it daylights just upstream of Lake Tapps. From the discharge point at the northwest end of Lake Tapps, the water flows through a tailrace back into the White River at River Mile 3.6. This is not a “naturally occurring” stream and the water is discontinuous from the White River. Therefore, the canal is **not a shoreline of the state.** (pg. 12)

- b. DOE wrote a letter to the City of Buckley on May 13, 2010 stating that DOE does not consider the Printz Basin or the associated flume from the initial diversion on the White River to its termination at Lake Tapps as a shoreline of the state:

The White River Flume is a constructed water conveyance originally built in 1911 by the company currently doing business as Puget Sound Energy (PSE) to produce hydroelectricity. In 2004, PSE terminated the power generation operation, and in 2009 the Cascade Water Alliance (Cascade) bought the entire diversion system from PSE. Cascade intend to retrofit the diversion system and utilize it as a source of municipal drinking water.

Water is conveyed through several structures on its eight-mile journey which starts at the initial diversion dam at White River Mile 24.3 within the Town of Buckley’s corporate limits, to its **termination at Lake Tapps** (see image 1). (Emphasis added) The diverted water initially flows through an above grade wooden and cement flume (see image 2); the water then flows through a constructed, earthen canal at approximately the crossing point of highway 410; [sic] The open channel then transitions into a series of underground pipes until it daylights in Printz Basin just upstream of Lake Tapps. From the discharge point at the northwest end of Lake Tapps, the water flow through the Deiringer Tailrace back in the White River at River Mile 3.6.

To maintain the flume, regular dredging and vegetation removal is necessary. Regular maintenance for the flume has lapsed for the past six years, however, due to the change in use of the flume the Cascade Water Alliance expects to reestablish a maintenance schedule upon the establishment of Lake Tapps as a source for drinking water.

We do not consider the flume a shoreline of the state. (Emphasis added) It is not a stream. It is a constructed facility designed and managed to care water for a specific purpose. Also we consider

Printz Basin to be part of the flume and, likewise, not a shoreline of the state.

- c. DOE wrote a letter to Pierce County Planning and Natural Resource on November 1, 1993 stating that the flume from the White River to Lake Tapps has not attained a public status and therefore is not considered a shoreline of the state:

Neither Puget Sound Power and Light's diversion channel from the White River to Lake Tapps nor the discharge canal from the power plant back to the White River meet the "public status" test at this time. (Emphasis added) The degree of resemblance to a natural water body is minimal. The flow is artificially controlled; the channel is dewatered for as much as 20 days per year; and extensive portion of the flow is through concrete-lined channels and underground pipes. The degree of use of the waterway for navigational or public recreation ends is also minimal. Puget Sound Power and Light owns the channel and the land around it in its entirety. Public use is and historically has been discourage to limit liability and vandalism.

Under the authority of RCW 90.58.030(2)(f), which assigns responsibility for shoreline designation to the department of ecology [sic], **we have determined that these channels are not subject to regulations under the Shoreline Management Act** and the Pierce County Shoreline Master Program provided that their use is not expanded to encompass "public" benefits. (Emphasis added)

While the ownership of the flume has changed, the use of the flume has not been expanded to encompass "public" benefits, the use of the waterway for navigation or public recreation is still minimal, and public use is still discouraged to limit liability and vandalism. Therefore, the flume would still fail to meet the "public status" test as established by DOE

Public Participation

- 4) The City developed a Public Participation Plan to ensure public involvement in the update of the City's Shoreline Master Program as required by WAC 173-26-201(3)(b).
- 5) The City's Public Participation Plan was reviewed and accepted by the Department of Ecology as complaint with the provisions of WAC 173-26-201(3)(b).
- 6) The City formed a Citizen Advisory Committee (CAC) with the objective that the committee would provide in-depth and structured input to the City, assist in the outreach

to various constituencies and interest groups, and ensure that a broad spectrum of interests and considerations are incorporated into the update process.

- 7) The City recruited members for the CAC by the following means:
 - a. Sent the announcement to people who have signed up for the Planning Newsletter online. At the time of the recruitment in 2010, 103 people had signed up to receive the online newsletter; and
 - b. Placed a copy of the recruitment notice in the Mayor's newsletter and in the monthly Bonney Lake Reporter that goes in the newspaper; and
 - c. Issued as a Press Release and posted the recruitment notice online and at the City's official posting locations; and
 - d. Placed a copy of the notice on the webpage – home page, planning page, and the SMP page; and
 - e. Mailed out letters to the Homeowner Association Representatives; and
 - f. Mailed out letters to agencies, companies and groups that may have an interest.
- 8) The Citizen Advisory Committee met on July 29, 2010, September 9, 2010, February 2, 2011, and March 10, 2011.
- 9) City held two Open Houses to educate interested parties on the elements of the Shoreline Master Program on October 18, 2010 and June 5, 2013.
- 10) The Bonney Lake Planning Commission held seven public meetings to discuss the SMP on December 5, 2012, January 16, 2013, February 6, 2013, April 10, 2013, May 1, 2013, May 15, 2013 and September 4, 2013.
- 11) The Bonney Lake Planning Commission held a public hearing October 16, 2013 and recommended that the City Council adopted the draft SMP.
- 12) The City mailed notices to all shoreline properties regarding the public hearings for the update to the Shoreline Master Program.

- 13) Notice of the public hearings for this matter has been conducted in accordance with City of Bonney Lake rules and regulations governing such matters for both the Planning Commission and the City Council.

State Environmental Policy Act

- 14) The adoption of the City's Shoreline Master Program is considered a non-project action as defined in WAC 197-11-704(2)(b) under the State Environmental Policy Act (SEPA).
- 15) The adoption of the City's Shoreline Master Program is not categorically exempted from the SEPA pursuant to WAC 197-11-800; therefore, the City was required to prepare a SEPA Checklist.
- 16) Pursuant to WAC 197-11-926, the City of Bonney Lake was designated as the lead agency for the SEPA review of the proposed Shoreline Master Program.
- 17) The City Bonney Lake SEPA Official reviewed the SEPA Checklist and issued a threshold Determination of Non-Significance under WAC 197-11-340 on September 16, 2013.
- 18) A comment period on the Determination of Non-Significance was provided from September 16, 2013 to October 16, 2013.
- 19) There was not an appeal of the Determination of Non-Significance and it stands as issued

Environmental Review

- 20) The City developed a Shoreline Inventory and Characterization document and distributed it for agency and public review and compiled and responded to comments and issued a final document on June 24, 2010.
- 21) The City issued a *Draft Cumulative Impacts Analysis for City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* in March 2011 and considered and responded to government agency and public comments and prepared a *Final Cumulative Impacts Analysis for City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* in June 2013, which was revised in December 2013 due to the removal of the Printz Basin Flume.
- 22) The Final Cumulative Impact Statement concluded that the, "...implementation of the proposed SMP is anticipated to achieve no net loss of ecological functions in the City of Bonney Lake's shorelines."

- 23) The City issued a *Draft Shoreline Restoration Plan Component of the Shoreline Master Program for the City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* in July 2011 and considered and responded to government agency and public comments and prepared a *Final Shoreline Restoration Plan Component of the Shoreline Master Program for the City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek* in June 2013 which was revised in November 2013 due to the removal of the Printz Basin Flume.

Environmental Documents

- 24) The City's draft SMP regulations are based on "based available science" as document in the Shoreline Inventory and Characterization Report.
- 25) To supplement the Shoreline Inventory and Characterization Report, the City relied on the following existing environmental documents:

- a) *Environmental Analysis of the Fennel Creek Corridor* prepared by Foster Wheeler Environmental Corporation (1997).

This report included an in-depth analysis of the ecological functions of the entire length of Fennel Creek. This report provides greater specificity than what was included in the Shoreline Analysis. The report also includes a delineation of the wetlands, which is slightly different than the wetlands illustrated on Figure 6 of the Shoreline Analysis.

- b) *Fennel Creek Trail DEIS and Fennel Creek Trail FEIS* prepared by Tetra Tech (January 2007 and March 2007)

This analysis includes the portions of the trail at Allen Yorke Park and the area around Victor Falls. This information evaluates the impacts associated with the development of the Fennel Creek Trail within the Shoreline Jurisdiction.

- c) *Lake Tapps Boat Management Plan* prepared by Pierce County (2005)

This report provides information regarding the recreation usage of the reservoir. One of the specific concerns is that the Lake is already exceeding the Recreation Planning Standard of one acre per boat which has specific implication regarding the goal of SMA to increase access to the lake for boating purposes.

- d) *1997 Lake Tapps Survey: The Warmwater Fish Community of a Reservoir Managed for Hydropower* prepared by the Washington Department of Fish and Wildlife (1997)

This report concluded that the annual drawdowns and refills affect both biological and physical characteristics of the reservoir. For example, little, if any submersed aquatic vegetation (an important source of food and shelter for most warmwater fish) was detected in Lake Tapps during the study area. Temperatures did not exceed 13° C throughout the water column (cool temperatures result in slow fish growth) Furthermore, because of the colloidal nature of the water, secchi disc readings did not exceed 0.5 m (negligible light penetration affects primary productivity, aquatic plant growth, as well as foraging efficiency of fish).

- e) *City of Bonney Lake Wellhead Protection and Monitoring Program Phase II* prepared by RH2 (2000)

This report addresses the steps necessary to protect the well head areas which include the well head areas within the jurisdiction of the SMP. The Final Shoreline Analysis also did not include maps illustrating the Well Head Protection Area on the northwest side of the City's portion of the reservoir and the Critical Aquifer Recharge Area that encompasses all of the Fennel Creek.

- f) *Draft EIS and Final EIS: Lake Tapps Reservoir Water Rights and Supply Project* prepared by CWA (January 2010 and June 2010)

- g) *Lake Tapps Integrated Aquatic Vegetation Management Plan* prepared by Tetra Tech for Cascade Water Alliance (August 2010)

The purpose of the Lake Tapps Integrated Aquatic Vegetation Management Plan (IAVMP) is to develop a long-term strategy for eradication of milfoil from Lake Tapps Reservoir in order to improve existing beneficial and recreational uses, and insure water quality to meet future water demands.

- h) *Collaborative Community Plan for Managing Lake Tapps* prepared by EnviroIssues (Spring 2011).

This plan provides Cascade Water Alliance's approach to addressing issues associated with the Lake Tapps Reservoir, including invasive plants/animals, boater safety, public access, recreation usage.

- i) *Bonney Lake Septic System Abatement Master Plan* prepared by RH2 (2012).

This report addresses the abatement of existing septic systems, while none of the areas are within the shoreline jurisdiction; two of the areas are located in close proximity.

- j) *Quality of Water in the White River and Lake Tapps, Pierce County, Washington, May–December 2010* prepared by USGS (March 2012)

This report included an in-depth analysis of the water quality for the Lake Tapps Reservoir. As part report nine specific sites were monitored over the course of the study of which two are located with the aquatic area under the Bonney Lake SMP. One monitoring site was at Allen Yorke Park and the other was on the northeast side of Inlet Island.

State Agency Review

- 26) 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 pursuant to RCW 36.70A.480.
- 27) Development regulations are defined as the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto pursuant to RCW 36.70A.030.
- 28) The notice of the City's intent to adopt Draft Ordinance was provided to the Department of Commerce on May 13, 2013 for review and comment by the Department and other State agencies required by RCW 36.70A.106.
- 29) The Draft SMP consisting of the proposed Shoreline Element of the *Bonny Lake Comprehensive Plan*, the development regulations (Article III Title 16 BLMC), the Bonney Lake Shoreline Restoration Plan and the Bonney Lake Shoreline Cumulative Impact Analysis were sent to the Department of Ecology for review and approval.

Countywide Planning Policies

- 30) The *Countywide Planning Policies for Pierce County Washington* (CPP) Env – 4.1 requires that each municipality in the County place, "... a primary emphasis on maintaining,

enhancing, conserving, and/or protecting, as appropriate, designated and identified natural resources including lands of local, county, and statewide significance.”

- 31) CPP-Env – 4.4 and 5.4 requires that each municipality in the County, “adopt a ‘no net loss’ approach.”
- 32) CPP-Env – 4.5 and 5.5 requires that each municipality in the County consider, “utilizing positive incentives to ensure conservation over time.”

Comprehensive Plan Policies

- 33) The *Bonney Lake Comprehensive Plan* (BLCP) Policy 3-5a states that the City should, “Encourage public participation in land-use planning, capital facility planning, and in the review of development proposals.”
- 34) BLCP Policy 3-12a states that the City should, “Preserve natural functions of shorelines, including banks, streams, and associated wetlands. Protect fragile ecosystems, including fish habitat in Fennel Creek and its natural tributaries.”
- 35) BLCP Policy 3-12b states that the City should, “Discourage activities that may pollute Lake Tapps, Lake Bonney, or Lake Debra Jane shorelines, including the use or storage of chemicals, pesticides, fertilizers, fuels and lubricants, animal and human wastes, and erosion. Regulate dredging, fill, bulkheads, docks, and other improvements to protect the natural functions and visual character of Lake Tapps, Bonney Lake, and Lake Debra Jane.”
- 36) BLCP Policy 3-12c states that the City should, “Ensure that water-oriented activities and improvements such as piers, floats, and barges do not hinder navigation on Lake Tapps, Lake Bonney, and Lake Debra Jane.”
- 37) BLCP Policy 3-12d states that the City should, “Provide access and views by means of public parks, fishing and boating docks, passive recreation areas, and overlooks and viewpoints. Commensurate with their enjoyment of the public resource, require new private developments to provide such facilities to the tenants and the public at large.
- 38) BLCP Policy 3-15a states that the City should, “Balance the responsibility to protect the community from land development impacts against the responsibility to protect property rights.
- 39) BLCP Policy 3-15b states that the City should, “Build into the regulatory scheme procedures for avoiding takings, such as variances or exemptions.”

- 40) BLCP Policy 3-19a states that the City should, “Protect valuable archeological sites and landmarks.”
- 41) BLCP Policy 3-19c states that the City should, “Notify the Washington State Office of Archeology and Historic Preservation when objects with potential cultural significance are identified.”

CONCLUSIONS

- 1) Much of the shoreline jurisdiction and the uplands adjacent thereto are in private ownership. Unrestricted construction on the privately owned or publicly owned shorelines is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shoreline jurisdiction while recognizing and protecting private property rights consistent with the public interest.
- 2) There is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of Bonney Lake’s shoreline jurisdiction.
- 3) Bonney Lake Shoreline Master Plan is intended to:
 - a. Respond to recent shoreline concerns and knowledge;
 - b. Ensure that habitat issues are addressed by identifying and utilizing the most current, accurate and complete scientific and technical information available for shorelines and critical areas Best Available Science (BAS);
 - c. Identify needed enhancement and restoration opportunities;
 - d. Integrate the SMP with Bonney Lake’s Comprehensive Plan;
 - e. Specifies shoreline regulations as a separate Title in the Bonney Lake Municipal Code;
 - f. Address the most current regulatory solutions; and
 - g. Demonstrate consistency with the 2004 DOE Shoreline Guidelines; and
 - h. Provide management of the shorelines of the City by planning for and fostering all reasonable and appropriate uses; and

- i. Ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest; and
 - j. Protecting against adverse effects to the public health, the land and its vegetation and wildlife and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights.
- 4) Bonney Lakes's shoreline policies are intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.
- 5) By State mandate, Bonney Lake's SMP includes a regulatory component. The regulatory component addresses issues of concern regarding specific land uses or activities within the shoreline, and issues related to shoreline modification in order to protect and enhance the unique ecological functions of the shoreline resource.
- 6) A new article will be added to Title 16, Shoreline Code, to establish permitted, conditional, and special use permits for land uses based on environmental and zoning designations.
- 7) Bonney Lake's proposed SMP implementing regulations appropriately limits the use of property through traditional development regulations such as setbacks, building height, public access, permitted uses, design guidelines, protection of critical areas, parking, and signage. Where flexibility is needed to accommodate private property rights, the City's regulations provide for the continuation of legal non-conforming uses and variance provisions.
- 8) Alterations of the natural condition of the shoreline jurisdiction, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, piers, and other improvements facilitating public access to shorelines.
- 9) All development standards within these sections were reviewed and found to be in compliance with the Shoreline Management Act; and
- 10) Projects for which complete building permits have already been submitted to the City are vested to the regulations and development standards prior to the adoption of this Ordinance are not subject to these standards unless substantial modification of the project is proposed which result in new application for development of the project.

Shoreline of Statewide Significance

- 11) The Shoreline Element of the Bonney Lake Comprehensive Plan and implementing development regulations establishes shoreline environmental designations based on the Shoreline Managements Act's preferred uses for Shorelines of Statewide Significance.

Cumulative Impacts

- 12) The most current, accurate and complete scientific and technical information or Best Available Science (BAS) has been used to characterize the shoreline and develop this SMP for the City of Bonney Lake. BAS is based on research and studies conducted by qualified individuals using documented methods that lead to verifiable results and conclusions. Where there were gaps in the data or information, the City relied on existing studies, existing literature, and best professional judgment.
- 13) State guidelines for implementing the Shoreline Management Act require that activities on the shoreline must result in "no net loss" of ecological functions. To achieve "no net loss" from new development, the City has included development sequencing as part of the shoreline critical area regulations which must address "no net loss" of ecological function. A development must first avoid, if at all possible, critical area impacts. If not, then they need to be minimized and mitigated. Finally, to balance the "no net loss" equation, restoration is utilized to maintain a balance or improve ecological functions along the shoreline. This sequencing of steps is used to determine the buildable area of the land and provides property owners with use of their property while protecting the critical area.
- 14) Based on BAS and implementation of stronger development regulations, the cumulative actions taken over time in accordance with the proposed SMP are not likely to result in a net loss of shoreline ecological functions from existing baseline conditions.
- 15) The Cumulative Effects Analysis for the Shoreline Master Program demonstrates that the program will make a positive contribution to maintaining and enhancing the ecological functions of the shoreline in Bonney Lake.

Public Access

- 16) The regulations are intended to improve public access as well as limit the impacts from overwater structures (docks/piers and boat launch floats).

- 17) In the implementation the SMP, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines shall be preserved to the greatest extent feasible consistent with the overall best interest of the state, the county, and the people generally. To this end uses are preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline.
- 18) Permitted uses in the shorelines zone have been designed in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline jurisdiction and any interference with the public's use of the water.

**ORDINANCE NO. 1491
ATTACHMENT "B"**



Shoreline Master Program

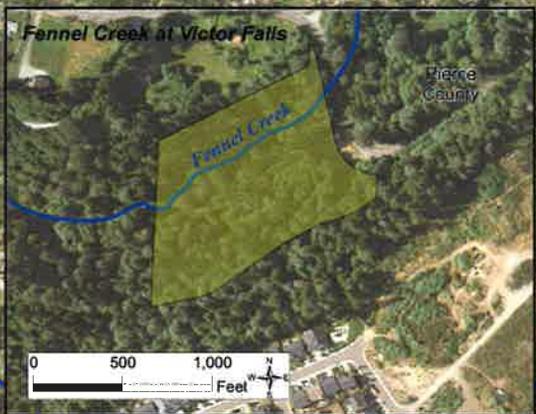
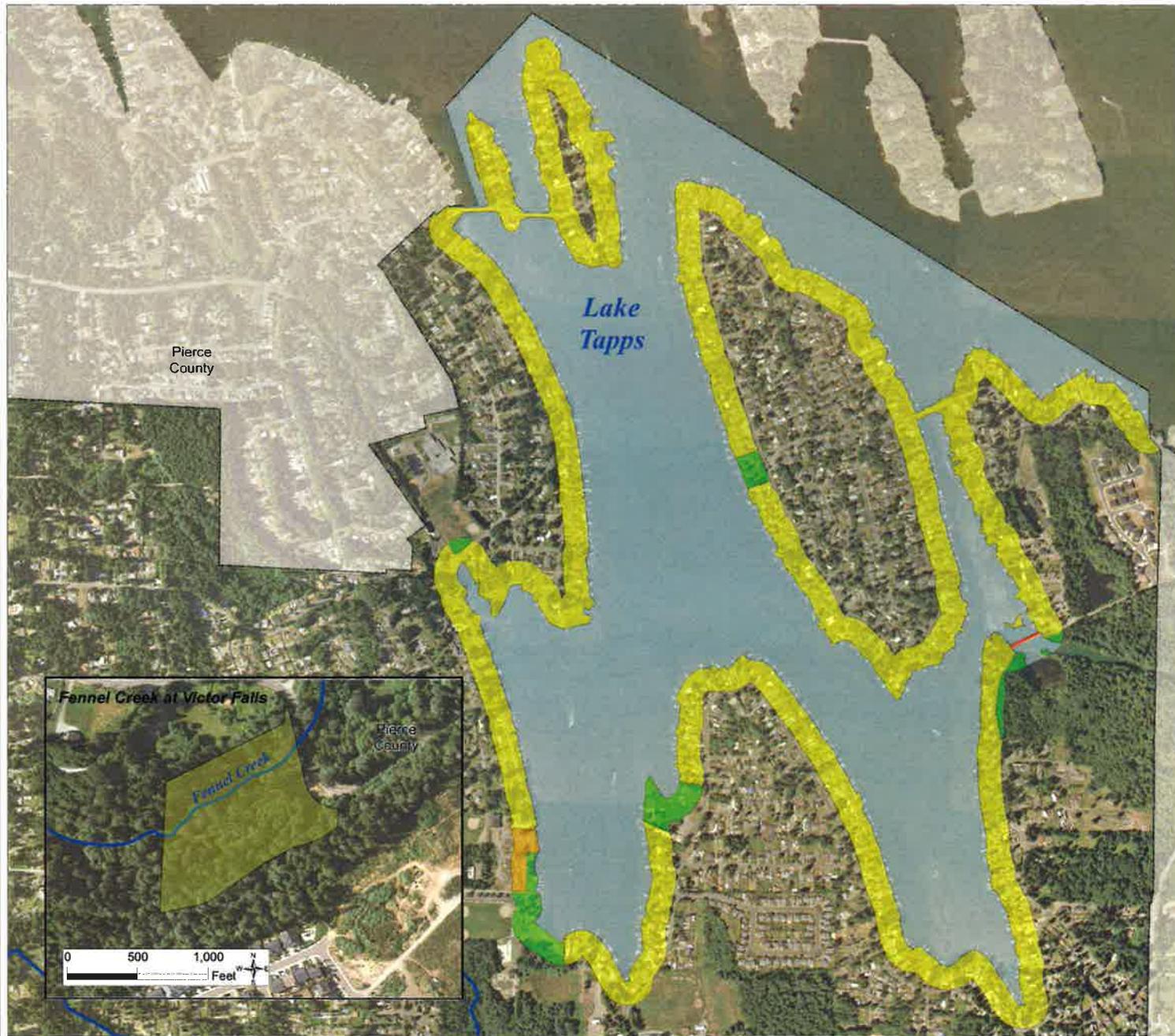
Map Legend

- Environmental Designations**
- Park
 - Shoreline Residential
 - Shoreline Multifamily
 - Aquatic Environment
 - Printz Basin Flume Terminus
 - Fennel Creek Tributaries
 - Bonney Lake City Limits

Inset*

- Environmental Designations**
- Natural
 - Fennel Creek
 - Bonney Lake City Limits

* Inset is parcel # 0519092017
 The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED 'AS IS' AND 'WITH ALL FAULTS'. The County makes no warranty of fitness for a particular purpose.



**ORDINANCE NO. 1491
ATTACHMENT "C"**

1. INTRODUCTION

The *City of Bonney Lake's Shoreline Master Program (SMP)* consists of shoreline goals and policies contained in this chapter of the *Bonney Lake Comprehensive Plan*, shoreline regulations contained in Shoreline Code (Chapters 16.34 – 16.58 of the Bonney Lake Municipal Code (BLMC)), and the *City of Bonney Lake Shoreline Restoration Plan*. The SMP is adopted pursuant to the authority in Chapter 90.58 RCW and Chapter 173-26 WAC.

1.1 STATUTORY FRAMEWORK

In 1971, the State of Washington legislature enacted the Shoreline Management Act (SMA) in order “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shoreline” which the legislature determined “are among the most valuable and fragile” of the state's resources. To that end, the SMA established board policy goals related to the utilization, protection, restoration, and preservation of the shorelines and gave preference single-family residences and to:

- Uses that protect water quality, vegetation, and wildlife habitat.
- Uses which depend on the proximity to the shoreline.
- Uses which preserve and enhance public access or recreational opportunities for the public.

A citizen’s initiative in 1972 designated that all lands within two hundred (200) feet of the shoreline would be regulated under the SMA.

The goal of the SMA is to create a regulatory framework that balances authority to regulate development on the shoreline between state and local government. Within this framework, the Department of Ecology has the responsibility for issuing guidelines for SMPs, assisting local governments in developing master programs, and determining if local SMP’s meet the policy objectives of the criteria in RCW 90.58.090 and the requirements in Chapter 173-26 WAC. The City of Bonney Lake is responsible for the preparation of a SMP that establishes the policies, goals and regulations related to the future development and use of the shorelines that is tailored to the specific needs of the community and complies with the requirements of the established by the State.

1.2 VISION

The City of Bonney Lake’s first SMP was adopted in 1975 and has not been subsequently updated; other than minor revisions to the administrative provisions. Key considerations within the original SMP included conservation, public access, guidance for water-oriented recreational uses, and allowance for residential development.

To address the changes since 1975, comply with the mandates of the SMA, and enable the City to plan for emerging issues, the City initiated a comprehensive update of its SMP in 2009. The updated SMP responds to current conditions and the community’s vision for the future. In updating the SMP, the City’s primary objectives were to:

- Enable current and future generations to enjoy an attractive, healthy, and safe waterfront.
- Protect the quality of water and associated natural resources of the State’s shorelines.
- Preserve fish and wildlife habitats.
- Protect the investments of property owners along and near the shoreline.
- Have an SMP that is supported by Bonney Lakes elected officials, citizens, property owners, the State of Washington, and other key groups with an interest in the shoreline.
- Efficiently achieve the SMP mandates of the State.
- Plan for and foster all reasonable and appropriate uses.
- Provide opportunities for the general public to have access to and enjoy the shorelines of the state.

The City of Bonney Lake’s SMP represents the City’s participation in a coordinated planning effort to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights. The objective of the SMP is to preserve the public’s opportunity to access the shorelines of the state and to protect the functions of shorelines so that, at a minimum, the City achieves a ‘no net loss’ of ecological functions. The SMP also promotes restoration of impaired ecological functions.

1.3 ORGANIZATION

The goals and policies in this Shoreline Chapter are grouped under five sections:

- Shoreline Designations
- General Shoreline Policies
- Shoreline Uses and Development
- Shoreline Modifications
- Shorelines of Statewide Significance

1.4 LAKE TAPPS RESERVOIR

Lake Tapps is the largest freshwater body in Pierce County with approximately 4.5 square miles of surface area (2,296 square acres) and 45 miles of shoreline. The City of Bonney Lake has jurisdiction over approximately 9.5 miles of the Lake Tapps’ shoreline; the remaining 35.5 miles is under the jurisdiction of the Pierce County SMP.

Lake Tapps is a man-made water body constructed by Pacific Coast Power Company between 1909 and 1911 as part of the White River Power Plant. The project included the construction of a diversion facility near the City of Buckley to divert water from White River and 2.5 miles of dikes and embankments to create a reservoir that artificially raised the level of four natural lakes: Church, Crawford, Kirtley, and Tapps.

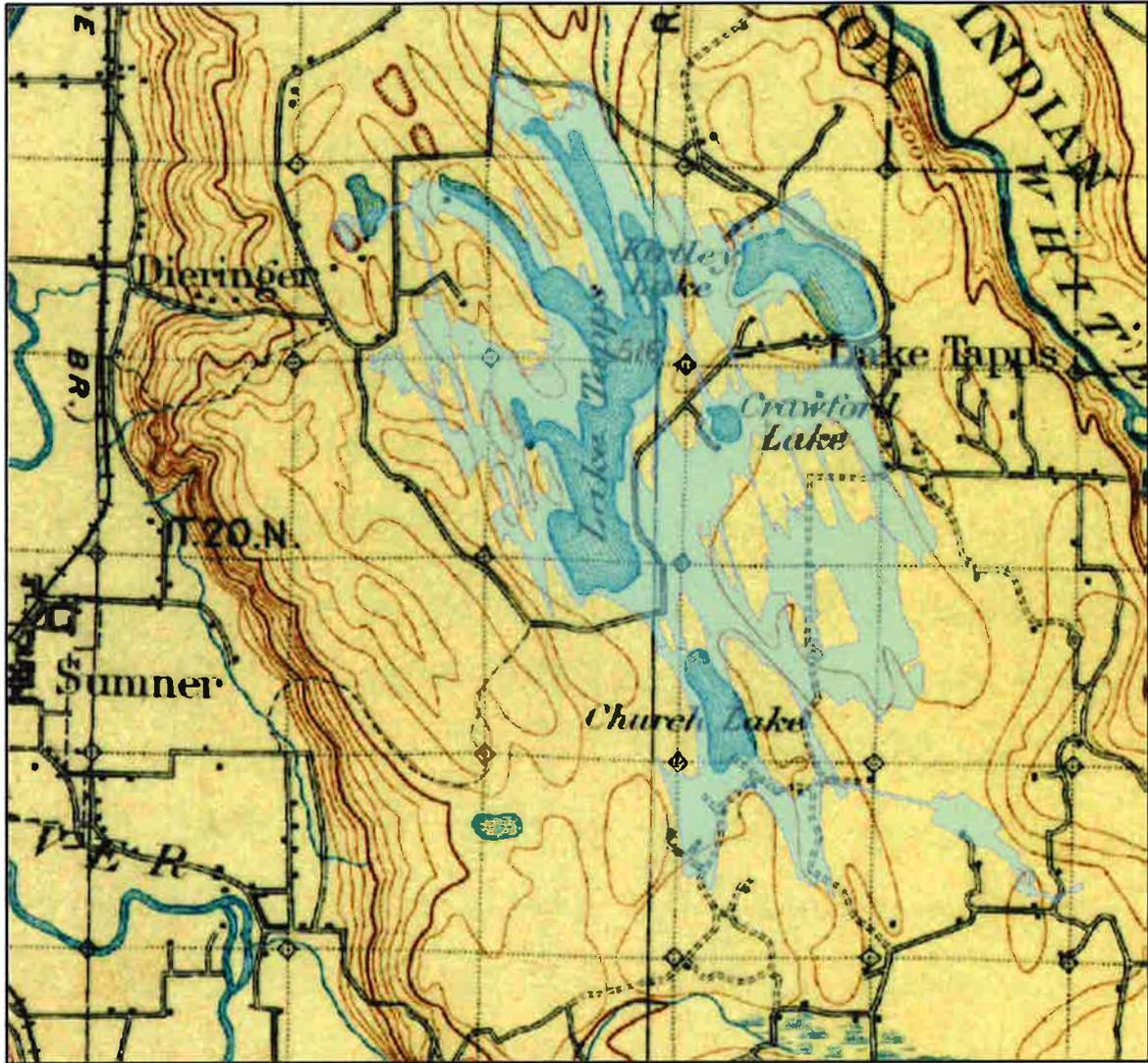


Figure 8-1: The four original lakes as shown on the 1897 USGS Map overlaid with the Lake Tapps Reservoir

The diverted water stored in the reservoir was originally used to turn turbine generator units in a powerhouse located on the valley floor near Derringer which supplied electricity to Tacoma and Seattle.¹

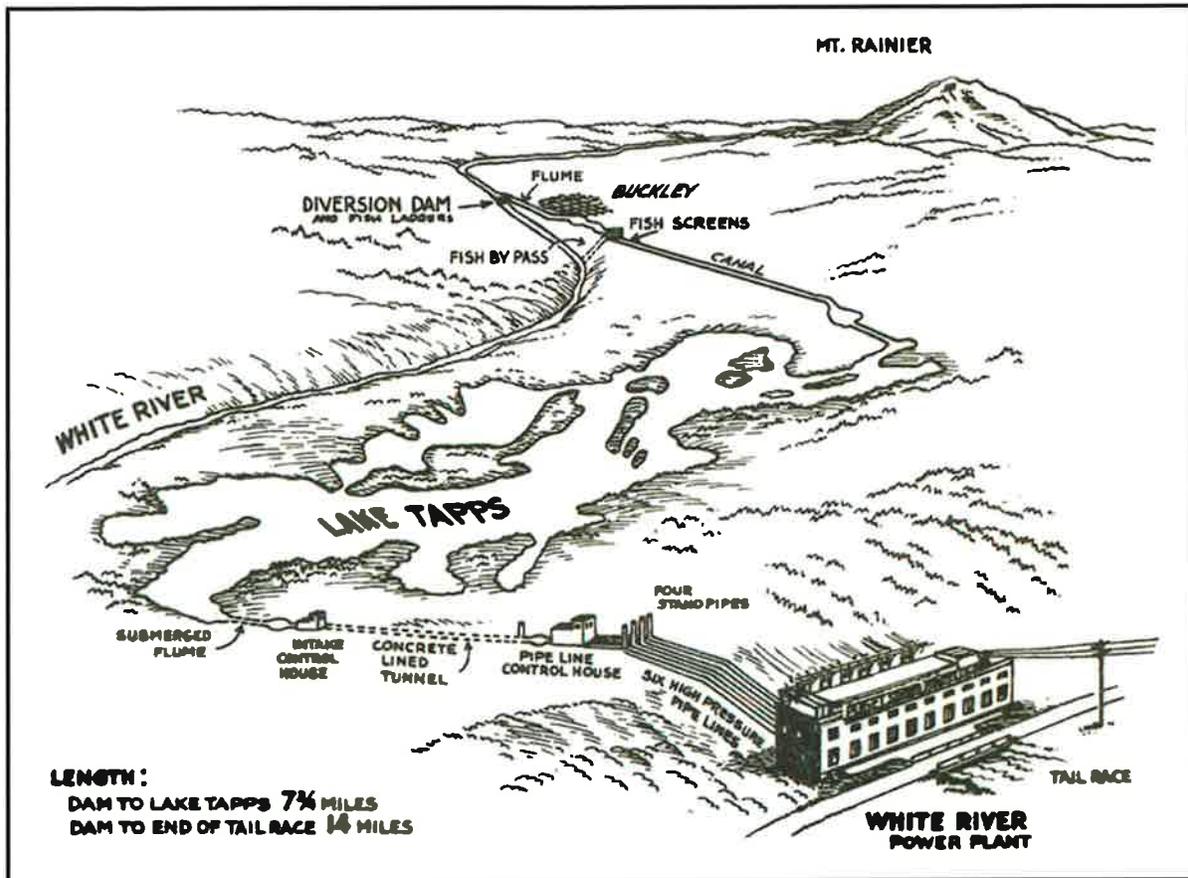


Figure 8-2: Historic Hydroelectric Facilities²

Lake Tapps was utilized for hydroelectric power generation by Puget Sound Energy (PSE) for nearly a century. PSE voluntarily ceased operations, in 2004, due to revisions to the operating license which included stronger environmental regulations established by the Federal Energy Regulatory Commission (FERC) making operation of the facility more expensive than alternative power sources.³ In 2005 the Cascade Water Alliance⁴ (CWA) and Pierce County entered into a Memorandum of Understanding for the long term management and operation of Lake Tapps as public water supply and public recreational amenity. The CWA subsequently purchased the White River Power Generation Facility from PSE in 2009 assuming the operation and maintenance responsibilities for Lake Tapps.

In 2010, the Department of Ecology granted CWA water rights which allows CWA to divert water from the White River to be stored and withdrawn from Lake Tapps for municipal water supply purposes. The project is planned to take 50 years to construct and once operations commence CWA has authority to take an average of 48 million gallons of water from Lake Tapps each day for public use. As part of the project CWA has entered into an agreement with the Muckleshoot and Puyallup Tribes to preserve and restore fish habitat in the White River.

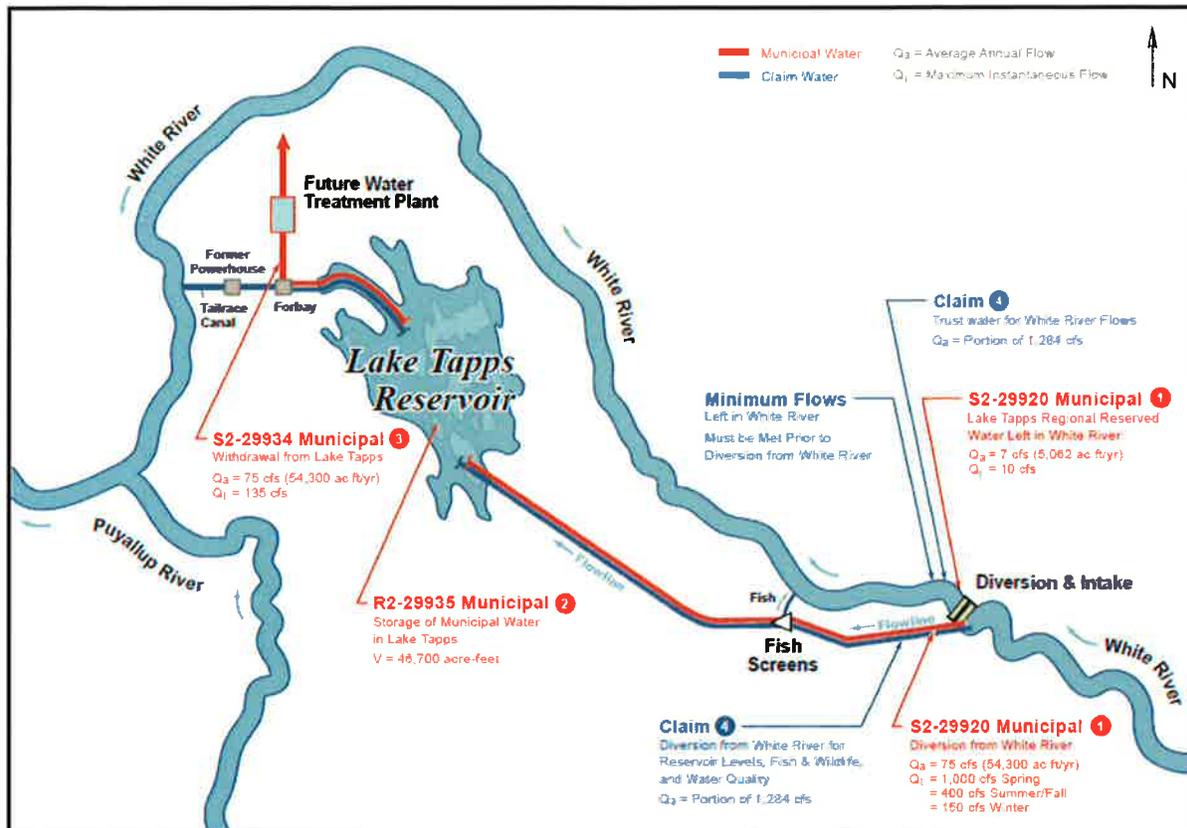


Figure 8-3: Plan for the CWA Water Supply Project⁵

1.5 FENNEL CREEK

Fennel Creek begins at a spring near the intersection of SR-410 and 234th Ave. E. and collects surface and spring runoff all along the corridor before flowing into the Puyallup River. The only portion of Fennel Creek within the jurisdiction of the SMA and regulated by the City's SMP is located below Victor Falls.

2. SHORELINE ENVIRONMENTAL DESIGNATIONS (SED)

Goal SL-1: Provide a comprehensive shoreline environmental designation system to systematically guide the use, development, preservation, and restoration of the shorelines of the state within the City of Bonney Lake.

Policy SL 1.1 Areas designated Aquatic ("A") shall be all areas waterward of the ordinary high-water mark.

Within these areas, only water depended uses should be allowed in order to protect, restore, and manage the unique characteristics and resources of the aquatic environment. The following management policies should be implemented though the development regulations adopted by the City for these areas:

- Allow new over-water structures only for water-dependent uses, public access, and/or ecological restoration.
- The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
- In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.
- All developments and uses on navigable waters should be located and designed to minimize interference with surface navigation and to consider impacts to public views.
- Uses that adversely impact the ecological functions should not be allowed except where necessary and then only when impacts are mitigated to assure no net loss of ecological functions.
- Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
- Shoreline areas should be reserved for shoreline preferred use and development of the shoreline should consider upland and in-water uses, water quality, navigation, presence of aquatic vegetation, existing residential uses, critical habitats, aesthetics, public access and views.

Policy SL-1.2: Shorelines designated Natural ("N") should be areas that contain high quality habitat relatively free of human influence.

Within these areas, only low intensity uses should be allowed in order to maintain the existing high quality habitat. This type of designation would be appropriate for the undeveloped areas around Fennel Creek at Victor Falls. The City should focus on preserving these areas and prohibiting development that would degrade ecological functions. The following management policies should be implemented through the development regulations adopted by the City for these areas:

- Uses that would substantially degrade the ecological functions or be detrimental to the visual quality of the natural character should be prohibited.
- Access may be permitted for scientific, historical, cultural, educational, and low-intensity water-enjoyment recreational purposes.
- Physical alterations should only be considered when they serve to protect or enhance a significant, unique, or highly valued feature that might otherwise be degraded or for public access where no significant ecological impacts would occur.

Policy SL-1.3: Shorelines designated Park ("P") should be areas that are planned for recreational uses and school properties.

The purpose of the "Park" designation is to provide areas suitable for water-oriented recreational uses while protecting and, where feasible, restoring ecological functions. This type of designation would be appropriate for areas such as Inlet Island Park, Church Lake Park, Allan Yorke Park, and Emerald Hills

Elementary. The following management policies should be implemented through the development regulations adopted by the City for these areas:

- Water-dependent recreational uses should be given highest priority. Water-oriented recreational uses should be given priority over nonwater-oriented uses.
- Water-dependent and water-enjoyment recreation facilities (e.g. boating facilities, angling, wildlife viewing trails, and swimming beaches) are preferred uses.
- During development and redevelopment, all reasonable efforts should be taken to restore ecological functions.
- Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within this designation to ensure that new development does not further degrade the shoreline and is consistent with the overall goal of improving ecological functions and habitat.

Policy SL-1.4: Shorelines designated as Shoreline Residential ("SR") should be areas that are identified to accommodate existing and planned single family residential uses.

The Shoreline Residential designation is suitable to areas either currently or planned to accommodate residential development and appurtenant structures. The objective of assigning an area to this designation is recognizing that if development is to occur within the shoreline, it should occur in areas that have already been altered instead of shoreline areas that remaining in highly natural state. This type of designation would be appropriate for the residential areas around Lake Tapps as approximately 90% of the shoreline is armored and already developed.⁶ The following management policies should be implemented through the development regulations adopted by the City for these areas:

- Existing ecological functions should be protected and, where feasible, previously degraded ecological functions should be restored.
- During development and redevelopment, all reasonable efforts, should be taken to restore ecological functions.
- Standards should be established for buffers, shoreline stabilization measures, vegetation conservation, critical area protection, water quality, and shoreline modifications to ensure that development does not further degrade the shoreline and is consistent with the overall goal of improving ecological functions and habitat.
- Public access should be enhanced whenever feasible; provided that significant ecological impacts can be mitigated.
- Residential development should be permitted where there is adequate access to public utility services.
- Land divisions of five or more parcels should provide public access.

- New residential development should be located and designed so that future shoreline stabilization is not needed.

Policy SL-1.5: Shorelines designated as Shoreline Multifamily ("SM") should be areas that are identified to accommodate high density residential uses.

The Shoreline Multifamily designation is for areas that of January 1, 2013 were designated High-Density Residential by the Future Land Use Map adopted as part of the Comprehensive Plan. These areas are planned for multifamily residential development of up to 20 dwelling units per acre. This designation should not be expanded within the shoreline jurisdiction as high density multifamily is not a preferred use under the SMA.

The objective of assigning an area to this designation is in recognition that the first level of environment designation assignments must be based on planned land use identified in the Comprehensive Plan in order to ensure consistency between the Comprehensive Plan and SMP as required by WAC 173-26-211(3). Additionally, this designation recognizes that not only must the overall uses allowed be consistent between the Comprehensive Plan and the SMP, but also the restrictive provisions of each should not combine in such a way that the use is effectively precluded on any parcel. The following management policies should guide development within these areas:

- Existing ecological functions should be protected and, where feasible, previously degraded ecological functions should be restored.
- During development and redevelopment, all reasonable efforts should be taken to restore ecological functions.
- Standards should be established for buffers, shoreline stabilization measures, vegetation conservation, critical area protection, water quality, and shoreline modifications to ensure that development does not further degrade the shoreline and is consistent with the overall goal of improving ecological functions and habitat.
- Residential development should be permitted where there is adequate access to public utility services.
- New multi-family development should provide public access.
- New residential development should be located and designed so that future shoreline stabilization is not needed.

3. GENERAL SHORELINE POLICIES

3.1 PUBLIC ACCESS

Goal SL-2: Preserve and enhance the public's ability to physically and visually enjoy the shoreline environment.

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge; to travel on the waters of the state; and to view the water and the shoreline. Public access is a key component of the SMA and should be encouraged both in private and public developments.

Policy SL-2.1: Views of Lake Tapps from public parks should be preserved and enhanced.

Enhancement of views should not be construed to mean excessive removal of vegetation.

Policy SL-2.2: Public access should be designed to minimize impacts on adjacent uses, provide for public safety, and avoid impacts to critical areas.

Public access should be designed to minimize the impacts on adjoining properties, through measures such as physical separation or by placing an intervening landscape buffer. In addition, public access trails should be located and designed to assure that users are visible and that pathways are well illuminated, if open in hours of darkness.

Public access through environmentally critical areas should be designed to avoid or minimize impacts wetlands or streams and corresponding protective buffers.

Policy SL-2.3: Cooperate with Pierce County and other local government agencies to complete the Fennel Creek Trail.

While the entire length of the Fennel Creek Trail is not within the shoreline area, the trail will connect Allan Yorke Park to the Foothills Trail and the future Pierce County Flume Trail. This regional trail network will connect multiple shoreline areas including Lake Tapps, Fennel Creek, and the Puyallup and White Rivers.

Policy SL-2.4: Enhance West Tapps Highway and Bonney Lake Boulevard to improve access for recreational activities and local residence.

Traffic at the intersection of West Tapps Highway and Bonney Lake Boulevard has increased over time and is extremely heavy in the summer due to the boat launch facilities at Allen Yorke Park. Improvements should be sought which recognize the recreational and commuting needs of diverse user groups: pedestrians, bicyclists, boaters, and local residents.

Policy SL-2.5: Design transportation improvement projects to increase public access and scenic amenities.

Shoreline roadways, such as West Tapps Highway and Church Lake Road, should be designed to maximize views of the water, provide pedestrian amenities, (e.g. widened sidewalks, benches, view stations, etc.), and include the development of a public sign system that identifies historic or scenic features.

3.2 CRITICAL AREAS

Goal SL-3: Preserve, protect, and restore critical areas within the shoreline environment.

Policy SL-3.1: Protect and preserve shoreline-associated wetlands.

Within the immediate vicinity of Fennel Creek, there are wetlands which perform many ecological functions, including habitat for fish and wildlife, flood control, groundwater recharge, water storage, and sedimentation filtration.

Policy SL-3.2: Manage development to avoid risk and damage to property and loss of life from geological hazards.

Lake Tapps is situated on an upland glacial drift plain bounded by volcanic mudflows and continental deposited ice-sheets.⁷ As a result a small portion of Lake Tapps' shoreline has been classified as a Seismic Hazard Area.⁸ Seismic hazard areas are subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, lateral spreading, or surface faulting.

Fennel Creek is located in forested ravine that extends from Victor Falls to a point just upstream of McCutcheon Road which is considered a Potential Land Slide Hazard Area.⁹ Landslide hazard areas are subject to landslides based on geology, soils, topography, and hydrology.

Policy SL-3.3: Protect and preserve freshwater habitat conservation areas.

Fish and wildlife habitat conservation areas provide food, protective cover, nesting, breeding, or movement for threatened, endangered, sensitive, monitor, or priority species of plants, fish, or wildlife. Within the City, both Lake Tapps and Fennel Creek fall within this classification.

Lake Tapps has been designed a Priority Habitat Area for both Waterfowl and Small Waterfowl Concentrations providing resting and foraging habitat for hundreds of waterfowl with the greatest concentrations present during the fall migration period.¹⁰

The reach of Fennel Creek around Victor Falls is within the highest class range (Class AA) established for Washington state surface waters and is classified as an Urban Natural Open Space consisting of a high value riparian corridor with multiple vegetation layers and a predominance of native plant species providing high quality habitat for wildlife species including Coho Salmon, cutthroat trout, and winter steelhead. Fennel Creek.¹¹

Policy SL-3.4: Prevent development within the 100-year floodplain to avoid risk and damage to property and loss of life.

Frequently flooded areas help to store and convey storm and flood water, recharge ground water, and provide important riparian habitat for fish and wildlife. Flooding also can cause substantial damage to public and private developments located within these areas resulting in significant costs to the public as well as to private individuals.

3.3 WATER QUALITY AND WATER QUANTITY

Goal SL-4: Manage activities in the larger watershed basin that may adversely impact surface and ground water quality or quantity.

Surface water management at the larger watershed basin is critical since activities throughout the watershed contribute to water quality conditions in both Lake Tapps and Fennel Creek.

As part of the *City of Bonney Lake's Stormwater Comprehensive Plan* and implementation of the NPDES Phase II Municipal Stormwater Permit requirements, the City is pursuing activities and programs within the larger watershed to address flood protection, water quality improvement, and habitat protection and restoration.

Policy SL-4.1: Manage storm water quantity to ensure protection of natural hydrology patterns and avoid or minimize impacts to streams.

Native forest communities with healthy soil structure and organic content control the amount and timing of run-off water that reaches streams by intercepting, storing, and slowly conveying precipitation. As these systems are impacted and forests are replaced by impervious surfaces (e.g. roads, parking areas, and rooftops), larger quantities of water quickly leave the watershed and drastically reduce the amount of water that seeps into the ground to replenish the groundwater.

If there is not enough water in the ground that can be slowly release back into streams in the dry months of summer, water temperatures become too high to support fish and fish can become isolation in small pools. Too much water in the winter causes unnaturally swift currents that can erode stream banks and scour stream channels damaging fragile fish habitat.

Policy SL-4.2 Prevent impacts to water quality associated with septic systems.

Most of the residential buildings directly adjacent to Lake Tapps, within the City, are connect to the sanitary sewer system. However, there are pockets of residential development within the vicinity of Lake Tapps that still utilize septic systems. The City adopted a *Septic System Abatement Master Plan* in May of 2012 in order to move these pockets onto the City's sewer system.

Policy SL-4.3: Support public education efforts to reduce the use of pesticides and fertilizers in order to protect and improve water quality.

The shoreline adjacent to Lake Tapps is dominated by lawns maintained with chemical fertilizers, herbicides, and pesticides which can have a negative impact water quality. Fertilizers and herbicides can

affect aquatic vegetation communities stimulating overgrowth of some species and suppress growth of other species. Encouraging natural yard care practices can help to reduce chemical contaminants from entering Lake Tapps which is ultimately discharged back to the White River.

3.4 SHORELINE VEGETATION CONSERVATION

Goal SL-5: Preserve, protect, and restore native shoreline vegetation.

Vegetation within the shoreline environment is essential for fish and wildlife habitat. Vegetation helps to support soil stability, reduce erosion, moderate temperature, produce oxygen, and absorb significant amounts of water, thereby reducing runoff and flooding.

Policy SL-5.1: New developments or substantial redevelopments along Lake Tapps should preserve and restore shoreline vegetation.

Lake Tapps Reservoir has a scarcity of emergent aquatic and shoreline vegetation due to the amount of shoreline armoring and the annual water level drawdowns.¹² Therefore, the City's efforts must primarily focus on restoration.

Policy SL-5.2: Preserve the existing native shoreline vegetation around Fennel Creek.

Fennel Creek is a high value riparian corridor having multiple vegetation layers with a predominance of native plant species providing high quality habitat for wildlife species.¹³

Policy SL-5.3: Minimize tree clearing and thinning activities along the shoreline and require mitigation for trees that are removed.

Tree removal or topping for the purposes of creating views should be prohibited. Limited thinning of trees to enhance views or for maintenance for health and vigor of the tree may be appropriate in certain circumstances, provided that this activity does not adversely impact tree health and/or ecological functions.

Policy SL-5.4: Work with Cascade Water Alliance to provide outreach and education materials to lakeside property owners about the importance and role of shoreline vegetation.

The City should work with CWA to offer shoreline property owners workshops or other materials addressing invasive species, erosion control, and natural yard care practices.

Policy SL-5.5: Work with Cascade Water Alliance regarding the management of noxious aquatic vegetation to ensure the use of a mixture of control methods with emphasis the most environmentally sensitive methods.

Noxious weeds are non-native invasive plants that when established are highly destructive, competitive, and difficult to control. These plants have been introduced intentionally or unintentionally by human actions and typically have no natural enemies. As a result, these plants can often multiply rapidly.

The most common invasive species impacting Lake Tapps is Eurasian Water Milfoil which is an aquatic plant that lowers dissolved oxygen, increases pH, displaces native aquatic plants, and increases water temperature. In order to address the milfoil present in Lake Tapps, CWA developed the *Lake Tapps Integrated Aquatic Vegetation Management Plan* (2010) which calls for a combination of hand-pulling, spot herbicides applications, twice annual monitoring, mapping, and the winter drawdown as part of a long-term strategy for the eradication of milfoil.¹⁴

3.5 ARCHAEOLOGICAL, HISTORIC, AND CULTURAL RESOURCES

Goal SL-6: Identify, protect, preserve, and restore important archeological, historical, and cultural sites located in the shoreline area.

The plateau on which Bonney Lake sits has a long history, dating back to trails used by Native Americans traveling between Puget Sound and the Yakima territory east of Mt. Rainer. The plateau also contains many historic resource related to the Naches Trail which brought settlers over the Cascades to western Washington.

Policy SL-6.1: Prevent destruction or damage to historic, cultural, scientific or educational resources located along the shoreline.

Steps should be taken to identify and preserve archaeological, historic and cultural resources that exist along the City's shoreline. The City should work with property owners and federal, state, and tribal governments to preserve historical, cultural, and archaeological values in advance of planned development. Proposed development should be designed and operated to be compatible with continued protection of the historic, cultural or archaeological resource.

4. SHORELINE USES AND DEVELOPMENTS

4.1 GENERAL

Goal SL-7: Maintain and improve ecological functions by locating, designing and managing shoreline uses to prevent significant adverse impacts and, where possible, restore water quality, fish and wildlife habits, and ecological functions.

Policy SL-7.1: The City should periodically review conditions along the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to ensure a no net loss of ecological functions, protect human health and safety, upgrade the visual qualities, and enhance residential and recreational uses on the City's shorelines.

Specific issues to address in such evaluations include, but are not limited to: water quality, conservation of aquatic and shoreline vegetation, control of noxious weeds, the visual character of the shoreline as a result of new residential development, and shoreline stabilization measure.

Policy SL-7.2: The City should establish development regulations that avoid, minimize, and mitigate impacts to the ecological functions association with shoreline uses.

In deciding whether to allow uses and activities in shoreline areas, the potential adverse impacts should be considered and avoided, where possible. This can be done by carefully selecting allowed uses, providing policies and standards to prevent or minimize adverse impacts, and carefully reviewing development proposals to prevent or minimize adverse impacts

Policy SL-7.3: Provide adequate vegetative conservation areas to protect natural features and improve ecological functions.

Shoreline vegetative perform a number of significant functions including reducing water temperature, filtering sediments and other contaminants, reducing nutrient loads to lakes, stabilizing shoreline soils, providing wildlife habitat, maintaining and protecting fish habitats, and forming aquatic food webs.

Policy SL-7.4: Limit parking facilities within the shoreline area.

Facilities providing public or private parking should only be permitted within the shoreline area to support water-oriented uses. Where feasible, parking for shoreline uses should be provided in areas outside shoreline jurisdiction.

Policy SL-7.5: Minimize the aesthetic impacts of parking facilities.

Parking areas should be placed, screened, and landscaped to mitigate the aesthetic impacts.

Policy SL-7.6: Limit outdoor lighting levels in the shoreline to the minimum necessary to support water-oriented uses.

Artificial lighting can be used for many different purposes along the waterfront (e.g. to aid in nighttime activities, security, or simply to make a property more attractive at night). However, the shoreline area is vulnerable to impacts of light and glare by interrupting the opportunity to enjoy the night sky, impacting views and privacy, and affecting the fish and wildlife habitat. To protect the scenic value, views, and fish and wildlife habitat, shoreline development should balance the ability to see at night with the need to preserve the scenic and natural qualities of the shoreline.

Policy SL-7.7: Signs should not block or otherwise interfere with visual access to the water or shorelands.

Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.

4.2 RESIDENTIAL

Goal SL-8: Protected private property rights while ensuring no net loss of existing ecological functions and, where feasible, restoring natural features along the shoreline.

The Legislature recognized that much of the shorelines of the state and the adjacent uplands are in private ownership and that while coordinated planning was necessary to protect the public interest associated

with the shorelines; it was just as important to protect private property rights.¹⁵ Therefore, in establishing and implementing the SMP, the City must carefully consider public and private interests as well as the long term costs and benefits. The City should ensure that regulatory and administrative actions do not unconstitutionally infringe upon private property rights while ensuring a no-net loss of ecological functions.

Residential development around Lake Tapps began in the 1950's when the area was sold to the Lake Tapps Development Company. Today, approximately 201 acres or 96% of Lake Tapps' shoreline is privately owned and zoned for either single family or multifamily residential development of which 191 acres is already developed with single family residential homes.

There is no existing or planned residential development within the shoreline area of Fennel Creek.

Policy SL-8.1: Continue to permit single-family residence and normal appurtenance in a manner that will result in a no-net loss of ecological function.

Single-family residences are identified as a preferred use when developed in a manner that controls pollution and prevents damage to the natural environment pursuant to WAC 173-26-241(3) (j), the following management policies should guide residential development within the shoreline area:

- New development should be required to preserve existing shoreline vegetation, control erosion and protect water quality using best management practices.
- The City should provide development incentives, including reduced shoreline setbacks, to encourage the restoration of shoreline vegetation.
- Adequate provisions should be made for protection of groundwater supplies, erosion control, stormwater drainage systems, aquatic and wildlife habitat, ecosystem-wide processes, and open space.

4.3 RECREATION

Goal SL-9: Water-oriented recreational activities should be provided to the public along the Lake Tapps and Fennel Creek shorelines.

Lake Tapps has been used for recreation since its completion in the earlier part of the twentieth century. Continuing to provide recreational opportunities which includes both passive activities (e.g. walking, viewing and fishing) and active uses (e.g. swimming, boating, and other outdoor recreation uses) is a critical component of this SMP.



Figure 8-4: Swimming a Lake Tapps circa 1948 – photographer unknown

Policy SL-9.1: Maintain Lake Tapps as a regionally important recreational area.

While Lake Tapps was originally constructed to act as a reservoir for hydro-electric power, the Lake is now a regional significant boating destination with nearly 250,000 people visiting each year.

Policy SL-9.2: Work with all federal, state, local agencies, the tribes, and the community to collaboratively manage and preserve Lake Tapps.

With its multifaceted history and numerous opportunities for the future, Lake Tapps is one of the region's greatest resources. Caring for and managing the Lake takes collaboration between several agencies, communities, and jurisdictions which includes but is not limited to the Army Corps of Engineers, Department of Fish and Wildlife, Department of Ecology, the City of Bonney Lake, Pierce County, CWA, the Lake Tapps Community Council (LTCC), the Muckleshoot Indian Tribe and the Puyallup Tribe of Indians.

Policy SL-9.3: Increase public access and water-oriented recreational opportunities along the shores of Lake Tapps.

The City's efforts to increase public access and recreational opportunities should focus on providing water-enjoyment recreational opportunities along the shores of Lake Tapps, by establishing a continuous pedestrian corridor along the water's edge (Nonmotorized Transportation Plan (NTP) Projects N4 – N5), constructing missing sidewalks between the City's Downtown and Lake Tapps (NTP Projects N132 – N134), and increasing non-boat trailer parking to facilitate access to the lake's shores for non-boat users.

Policy SL-9.4: Recreational activities should be designed to avoid, minimize, and mitigate negative impacts on adjoining properties.

The primary source of negative impacts associated with recreational activities on adjacent property owners is related to boating on Lake Tapps. Over the last several years Lake Tapps has experienced an increase in rafting parties and unfortunately the participants are often engaged in illegal (drug use), immoral (live sex acts, nudity, urinating into the lake, etc.), noisy (music, bullhorns, etc.), and environmentally destructive behavior (throwing objects out of the boats into the lake) and alcohol overconsumption as close as 10 to 15 feet from adjacent homeowners' docks.¹⁶ In order to address these issues, the City should continue to work with CWA, Pierce County and the LTCC to implement the recommendations of the *Lake Tapps Boat Management Plan (2005)*.

Policy SL-9.5: Ensure that existing and new recreation uses do not adversely impact shoreline ecological functions.

Recreational facilities have the potential to adversely impact shoreline ecological functions; therefore, recreational uses should be appropriately sited and planned to minimize any resultant impacts.

Policy SL-9.6: Recreational plans should promote the conservation of Fennel Creek's natural character and ecological functions while expanding passive forms of recreation to facilitate the public's ability to enjoy the shoreline.

The City is fortunate to own the undeveloped area around Fennel Creek at Victor Falls. The Fennel Creek corridor provides excellent habitat for birds, amphibians, mammals, and reptiles. The stream reach below Victor Falls is known to support salmonids. Preserving wildlife habitat, water quality, and forested areas is an important aspect of good park resource management. The existence of this natural area offers a variety of opportunities for aesthetic enjoyment and passive low-impact recreational activities.

4.4 BOATING FACILITIES

Goal SL-10: Manage boat launch facilities to avoid or minimize adverse impacts.

One public boat launch facility (Allan Yorke Park) and two semi-public boat launch facilities (Church Lake and Inlet Island Parks) are located on Lake Tapps within the City.

Policy SL-10.1: Maintain the current capacity of Lake Tapps for boating.

Lake Tapps supports many enjoyable boating activities such as water skiing, sailing, motor boating, and fishing; however, over the years overcrowding of motorized watercraft has become an issue. The Lake typically exceeds the minimum Recreational Boating Standard of one boat per acre of surface water and as a result the development of boat launch facilities should be avoided and capacity on the Lake be controlled by limiting the number of available boat trailer parking stalls at the existing public boat launch facilities.¹⁷

Policy SL-10.2: Promote use of best management practices to control the introduction of invasive animals and vegetation.

Boat launch facilities can be a significant sources for the introduction of exotic animals and plants. Significant steps have been taken at all levels of government and the private sector to reduce the impacts of boating on the aquatic environment. The State Parks and Recreation Commission's boater education program provides technical assistance, signage, and other materials to boat facilities regarding the transportation of exotic species. The City should work cooperatively with state agencies, private boat launch owners, and boat owners to continue to minimize the impacts of boating on the aquatic environment.

4.5 OVER WATER STRUCTURES

Goal SL-11: Minimize impacts to the natural environment and neighboring uses from new or renovated over water structures.

Over water structures include docks, piers, boat facilities, swimming/diving platforms, inflatable recreational equipment, public access boardwalks, fishing piers, and viewpoints.

Policy SL-11.1: Limit and reduce the number of over water structures.

Shared docks and piers are preferred over single-user structures in order to reduce the number and potential long-term impacts of over water structures. New subdivisions of more than two (2) lots and new multi-family developments of more than two (2) dwelling units should provide shared moorage facilities.

Policy SL-11.2: Design and locate private over water structures so that they do not interfere with shoreline recreational uses, navigation, or the public's safe use of Lake Tapps.

Over water structures should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights such as, but not limited to, fishing, swimming, and pleasure boating.

Recreational boaters are also largely unaware of the dangers of open-air carbon monoxide (CO) poisoning and the boat manufacturing industry has not introduced emission control devices for recreational boats; like catalytic converts on automobiles that reduce exhaust by greater than ninety percent (90%).¹⁸ Therefore, these structures should be sufficiently spaced to prevent carbon monoxide CO poisoning due to exhaust from idling boats.

Policy SL-11.3: Design and construct new or renovated over water structures and their accessory components, such as boatlifts and canopies, to minimize impacts on native fish and wildlife and the corresponding habitat.

Over water structures including those accessory to single-family residences should be sited, designed, and constructed to prevent adverse impacts on water quality and aquatic habitat. Impact minimization measures, which have been identified by state and federal agencies, include, but are not limited to: shared use of piers, reducing or eliminating the number of boathouse, minimizing the size and widths of piers

and floats, increasing light transmission through any over-water structures, maximizing the height of piers above the water surface, and reducing the overall number and size of pier piles.

Policy SL-11.4: Minimize aesthetic impacts of piers and their accessory components.

To minimize aesthetic impacts, these structures should be made of non-reflective materials and lighting should be limited to the amount necessary to find these structures at night and focused downward and away from the surface of Lake Tapps.

4.6 IN-STREAM STRUCTURES

Goal SL-12: Limit in-stream structures to those needed to protect, preserve and restore ecosystem-wide functions.

Policy SL-12.1: In-stream structures should be allowed only for the purposes of environmental restoration.

4.7 TRANSPORTATION FACILITIES

Goal SL-13: Provide for safe and efficient movement of vehicles within the shoreline area while recognizing the unique, fragile, and scenic character of the shoreline area.

Transportation facilities are those structures and developments that aid in the movement of people, goods, and services: roadways, causeways, bridges, bikeways, trails, sidewalks, and other related facilities.

Policy SL-13.1: Maintain a roadway network which will efficiently and safely provide for vehicular circulation within the shoreline area.

The existing vehicular circulation system within Bonney Lake's shoreline area includes West Tapps Highway, Bonney Lake Boulevard, and Church Lake Road, as well as neighborhood access streets and driveways. The City should undertake improvements, as necessary, to address needed safety, capacity, or efficiency improvements.

Policy SL-13.2: Design transportation improvement projects within the shoreline to avoid, minimize, and mitigate environmental impacts.

Transportation facilities should be designed to have the least possible effect on shoreline features. When planning transportation facilities, the environmental impacts of the facility need to be evaluated, avoid, minimized, and appropriately mitigated.

Goal SL-14: Provide a robust pedestrian and bicycle circulation system with provides opportunities for the public to view and enjoy the amenities of the shoreline area.

Policy SL-14.1: Provide a public access system that enhances and maintains pedestrian and bicycle infrastructure within the shoreline area.

The City should work to improve roadways to meet the needs of a broad variety of users including walkers, joggers, and bicyclist, while maintaining the scenic quality of the roadway network.

Policy SL-14.2: Prioritize the completion of the projects in the City's Non-motorized Transportation Plan which provide multi-modal connections within and to the shoreline area.

Developing public access to the shoreline area has long been a priority of the City. The top priorities in the City's NTP are the construction of the Fennel Creek Trail (Projects N1 – N3) which will ultimately provide a multi-modal trail connecting Allen Yorke Park to Victor Falls; establishment of a continuous pedestrian corridor along the Lake Tapps shoreline (N4 – N5); and construction missing sidewalks providing a pedestrian linkage from the City's Downtown to Lake Tapps (N132 – N134). Since the NTP contemplates the installation of sidewalks on only one-side of the street, the City should plan to install sidewalks on the side of the roadway closest to the water.

4.8 UTILITIES

Goal SL-15: Manage public and private utilities within the shoreline area to ensure that necessary utility services are provided, while protecting and enhancing water quality and the habitat value of the shoreline.

Policy SL-15.1: Locate new utilities outside of the shoreline area unless the location is reasonably necessary for the efficient operation of the utility.

Development of utility facilities for electric power, gas, sewage, water, and communications can create substantial impacts on the landscape and the function of the natural ecosystem. To minimize potential impacts, these facilities should be located outside of the shoreline area, and in particular, outside of the aquatic environment, where feasible.

If utility facilities must be located in the shoreline, careful planning and design is required to address impacts such as soil disturbance and intrusion on the visual setting. Potential adverse impacts should be minimized through the location, design, and construction techniques. Upon completion of utility installation or maintenance projects, the shoreline area should be restored to pre-project configuration, replanted with native species, and provided with maintenance care until the newly planted vegetation is established.

Alternative energy use such as solar and wind-based energy systems should be encouraged within the shoreline environment, provided that any potential adverse impacts are minimized.

Policy SL-15.2: Encourage consolidation of utilities within existing rights-of-way or utility corridors.

In order to minimize the extent of shoreline modifications, utility facilities should utilize existing transportation rights-of-way and utility corridors whenever practicable; rather than creating new corridors in the shoreline environment.

Policy SL-15.3: Locate utility facilities and corridors to protect scenic views and prevent impacts to the aesthetic qualities of the shoreline.

Utility lines and facilities should be located so that they do not obstruct or destroy scenic views. Whenever feasible, these facilities should be placed underground or designed to do minimal damage to the aesthetic qualities of the shoreline area.

5. SHORELINE MODIFICATIONS

5.1 GENERAL

Goal SL-16: Manage shoreline modifications to avoid, minimize, or mitigate significant adverse impacts.

Policy SL-16.1: Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions.

Accounting for the existing hydrological, vegetative, and habitat conditions within the shoreline surround Lake Tapps, the overall shoreline ecological function is considered low.¹⁹ The City will utilize this determination as a baseline to ensure that there is “no net loss” of ecological functions.

The City also recognize that the shorelines of the state are among the most valuable of its natural resources and that there is great concern throughout the state relating to the restoration of the shoreline. Through the implementation of the City’s adopted restoration plan, the City will work to improve the overall ecological functions of Lake Tapps.

5.2 SHORELINE STABILIZATION

Goal SL-17: Reduce the use of structural shoreline stabilization measures.

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, or essential structures primarily caused by wave action.

Policy SL-17.1: Structural shoreline stabilization measures should only be used when a need has been demonstrated and that more natural, flexible, non-structural methods have been determined infeasible.

Shoreline stabilization should be based on the following hierarchy of preference:

- Nonstructural methods which include building setbacks, erosion and groundwater management, planning, and regulatory measures to avoid the need for structural stabilization.

- Soft structural shoreline stabilization which includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide stability in a non-linear, sloping arrangement.
- Hard structural shoreline stabilization which includes concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces (e.g. bulkheads, rip-rap, groins, dikes and similar structures).

Policy SL-17.2: Shoreline modifications individually and cumulatively shall not result in a net loss of ecological functions.

Where allowed, shoreline stabilization structures should minimize impacts on shoreline hydrology, navigation, habitat, and public access. Shoreline protective structures should be designed for the minimum height and extent necessary to address the identified hazard to an existing structure. As noted above, vegetation and nonstructural solutions should be used rather than structural bank reinforcement; unless these methods are determined to be infeasible, as documented by a geotechnical analysis.

Policy SL-17.3: Locate and design new development to eliminate the need for new shoreline stabilization measures.

New shoreline uses should be located in a manner so that bulkheads and other structural stabilization measures are neither required nor likely to become necessary in the future.

Policy SL-17.4: Regulatory flexibility or incentives should be developed to encourage shoreline property owners to voluntarily remove bulkheads and plant shoreline vegetation.

In recent years, many techniques have been developed to provide alternative shoreline protection methods which may employ the use of gravel substrate material, terraces, large flat rocks, shallow pools, logs, and vegetation to prevent erosion and provide an attractive, usable shoreline area. The aim of these techniques is to reduce bank hardening, restore overhanging vegetation, and replace bulkheads with sand beaches and gentle slopes.

5.3 FILLING

Goal SL-18: Ensure that fills either preserve current ecological functions or restore ecological functions of the shoreline.

Policy SL-18.1: Limit fill to either ecological restoration or to facilitate water-dependent public access.

Fill allows for the creation of dry upland areas by the deposition of sand, silt, gravel or other materials. Fill has traditionally been used in the shoreline area to level or expand residential yards and, in many cases, has been associated with armoring of the shoreline. As a result, this use of fill in this manner should be prohibited.

Alternatively, fill can also be used for ecological restoration, such as beach nourishment, or to facilitate water-dependent uses and public access. This type of activity should be designed and located so there will be no significant ecological impacts and no alteration of local surface water drainage patterns which would result in a hazard to adjacent life, property, and natural resource systems.

5.4 CLEARING AND GRADING

Goal SL-19: Minimize impacts to ecological functions as a result of clearing and grading activities.

Policy SL-19.1: Limit clearing and grading activities in the shoreline area.

Clearing and grading activities are typically associated with upland development. These activities have the potential to cause erosion, siltation, surface water runoff, habitat damage and reduce flood storage capacity. Therefore, clearing and grading activities should be designed with the objective of maintaining natural diversity and ensuring that any potential adverse impacts are avoided or minimized. Impacts from these activities can be avoided through proper site planning, construction timing practices, and use of erosion and drainage control methods.

5.5 DREDGING

Goal SL-20: Minimize impacts to ecological functions and aquatic vegetation as a result of dredging activities

Policy SL-20.1: Discourage dredging operations, including disposal of dredge materials.

Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values. When allowed, dredging and dredge material disposal should be done in a manner which avoids or minimizes significant ecological impacts. Impacts that cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological function.

5.6 SHORELINE RESTORATION AND ECOLOGICAL ENHANCEMENT

Goal SL-21: Implement the projects, programs, and plans to restore areas that have been degraded or diminished as a result of past activities.

Restoration planning is an important component of the SMA. Continued improvement of shoreline ecological functions requires a comprehensive watershed approach that combines upland and shoreline projects and programs. The City of Bonney Lake has adopted a restoration plan for the City's shorelines that provides the framework for the community's efforts to restore the degraded portions of the City's shorelines.

Policy SL-21.1: Include provisions for shoreline vegetation restoration, fish and wildlife habitat enhancement, and low impact development techniques in projects located within the shoreline.

Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat in shorelines. Such projects may include shoreline modification actions such as installation of native shoreline vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, provided that the

primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

Policy SL-21.2: Minimize impacts from publicly initiated aquatic vegetation management efforts.

The CWA has an obligation to monitor and manage milfoil which is a noxious weed and poses environmental challenges to Lake Tapps.²⁰ Aquatic vegetation management efforts can have potential negative impacts relevant to Lake Tapps environment and therefore efforts should be designed to use a mix of various methods with emphasis on the most environmentally sensitive methods.

6. SHORELINES OF STATEWIDE SIGNIFICANCE

The SMA designates certain shoreline areas as shorelines of statewide significance, the shorelines that are so designated includes natural and artificial lakes with a surface acreage of one thousand acres or more. Within the City of Bonney Lake's jurisdiction, Lake Tapps meets this definition and as such is classified as shoreline of state-wide significance.

Shorelines of statewide significance are shorelines that major resource from which all people in the state derive benefit and as such all of the people of the State have an interests in the management of these shorelines. Accordingly, the SMP gives preference to uses and development that meet the principles outlined below, listed in order of preference:

1. Recognize and protect the statewide interest over local interest.
2. Preserve the natural character of the shoreline.
3. Result in long-term over short-term benefits.
4. Protect the resources and ecology of the shoreline.
5. Increase public access to publicly owned areas of the shoreline.
6. Increase recreational opportunities for the public on the shorelines.
7. Provide for any other element as defined in the Shoreline Management Act deemed appropriate or necessary.

In the implementation of the SMP, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible, consistent with the overall best interest of the state and the people generally. To this end, uses shall be preferred that are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent on use of the state's shorelines. Alteration of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, parks, boating facilities, and other improvements that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline areas and interference with the public's use of the water.

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- ¹ Kramer, A. (1986). *Among the Livewires, 100 Years of Puget Power*. Edmonds, WA: .Creative Communications.
- ² *ibid.*
- ³ EnviroIssues. (Spring 2011). *Collaborative Community Plan for Managing Lake Tapps*. Prepared for Cascade Water Alliance, Bellevue, WA.
- ⁴ The Cascade Water Alliance is a coalition including the Cities of Bellevue, Issaquah, Kirkland, Redmond, and Tukwila, the Sammamish Plateau Water and Sewer District, and Skyway Water and Sewer District.
- ⁵ HDR Engineering, Inc. (January 29, 2010). *DRAFT Environmental Impact Statement: Lake Tapps Reservoir Water Rights and Supply Project*, Figure S-1. Prepared for Cascade Water Alliance, Bellevue, WA.
- ⁶ The Watershed Company and Makers. (June 2010). *Final Shoreline Analysis Report for City of Bonney Lake's Shorelines: Lake Tapps Lake Tapps Reservoir and Fennel Creek*, p. 10. Prepared for the City of Bonney Lake Community Development Department, Bonney Lake, WA.
- ⁷ ESA Adolfson, Coastal Geologic Service Inc., and Parametrix. (June 2009) *Final Pierce County Shoreline Inventory and Characterization Report*, p. 4-31. Prepared for Pierce County Planning and Land Services, Tacoma, WA
- ⁸ The Watershed Company and Makers. (June 2010). *Final Shoreline Analysis Report for City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek*, Figure 8. Prepared for the City of Bonney Lake Community Development Department, Bonney Lake, WA.
- ⁹ *ibid.*
- ¹⁰ HDR Engineering, Inc. (January 29, 2010). *DRAFT Environmental Impact Statement: Lake Tapps Reservoir Water Rights and Supply Project*, p. 8-10. Prepared for Cascade Water Alliance, Bellevue, WA.
- ¹¹ Foster Wheeler Environmental Corporation. (1999). *Environmental Analysis of the Fennel Creek Corridor*, Pg. 2-75. Prepared for the City of Bonney Lake Community, Bonney Lake, WA.
- ¹² Washington State Department of Fish and Wildlife. (1997). *1997 Lake Tapps Survey: The Warmwater Fish Community of a Lake Tapps Reservoir Managed for Hydropower*, p. 1. Olympia, WA
- ¹³ Foster Wheeler Environmental Corporation. (1999). *Environmental Analysis of the Fennel Creek Corridor*, Pg. 2-75. Prepared for the City of Bonney Lake Community, Bonney Lake, WA. .
- ¹⁴ Tetra Tech. (2010). *Lake Tapps Lake Tapps Reservoir Integrated Aquatic Vegetation Management Plan*, p. iii. Prepared for Cascade Water Alliance, Bellevue, WA.
- ¹⁵ RCW 90.58.010

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- ¹⁶ Pierce County Planning and Land Services. (2005). *Lake Tapps Lake Tapps Reservoir Boat Management Plan*, p. 24. Tacoma, WA.
- ¹⁷ Pierce County Planning and Land Services. (2005). *Lake Tapps Lake Tapps Reservoir Boat Management Plan*. Tacoma, WA. and EnviroIssues. (Spring 2011) *Collaborative Community Plan for Managing Lake Tapps*. Prepared for Cascade Water Alliance, Bellevue, WA.
- ¹⁸ Pierce County Planning and Land Services. (2005). *Lake Tapps Lake Tapps Reservoir Boat Management Plan*, pgs. 13-14. Tacoma, WA.
- ¹⁹ The Watershed Company and Makers. (June 2010). *Final Shoreline Analysis Report for City of Bonney Lake's Shorelines: Lake Tapps Lake Tapps Reservoir and Fennel Creek*, Table 3 and p. 22. Prepared for the City of Bonney Lake Community Development Department, Bonney Lake, WA.
- ²⁰ EnviroIssues. (Spring 2011) *Collaborative Community Plan for Managing Lake Tapps*, p. 22. Prepared for Cascade Water Alliance, Bellevue, WA.

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**City of Bonney Lake
Grant No. G1000016**

Final

**Shoreline Restoration Plan Component of the Shoreline
Master Program for the City of Bonney Lake Shorelines:
Lake Tapps and Fennel Creek**

Prepared for:



City of Bonney Lake
Community Development Department
8720 Main Street East
Bonney Lake, WA 98391

Prepared by:



750 Sixth Street South
Kirkland, WA 98033



architecture · planning · urban design

1904 3rd Ave, Suite 725
Seattle, Washington 98101



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SHORELINE RESTORATION PLAN CITY OF BONNEY LAKE

1.0 INTRODUCTION

The City of Bonney Lake's Shoreline Master Program (SMP) applies to activities in the shoreline jurisdiction zone. Compensatory mitigation is required for activities that have adverse effects on the ecological functions and values of the shoreline. By law, the proponent of any such activity is required to return the subject shoreline to a condition equivalent to the baseline level at the time the activity takes place. It is understood that some uses and developments cannot always be mitigated fully, resulting in incremental and unavoidable degradation of the baseline condition. The subsequent challenge is to improve the shoreline over time in areas where the baseline condition is degraded, severely or marginally.

WAC Section 173-26-201(2)(f) of the Shoreline Master Program Guidelines (Guidelines)¹ says:

... master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.

Degraded shorelines are not just a result of pre-SMP activities, but also of unregulated activities and exempt development. The new Guidelines also require that "[l]ocal master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline." While some actions within shoreline jurisdiction are exempt from a permit, the SMP should clearly state that those actions are not exempt from compliance with the Shoreline Management

¹ The Shoreline Master Program Guidelines were prepared by the Washington Department of Ecology and codified as WAC 173-26. The Guidelines translate the broad policies of the Shoreline Management Act (RCW 90.58.020) into standards for regulation of shoreline uses. See <http://www.ecy.wa.gov/programs/sea/sma/guidelines/index.html> for more background.

Act or the local SMP. Because the shoreline environment is also affected by activities taking place outside of a specific local master program's jurisdiction (e.g., outside of city limits, outside of the shoreline area within the city), assembly of out-of-jurisdiction actions, programs and policies can be essential for understanding how the City fits into the larger watershed context. The latter is critical when establishing realistic goals and objectives for dynamic and highly interconnected environments.

Restoration of shoreline areas, in relation to shoreline processes and functions, commonly refers to methods such as re-vegetation, removal of invasive species or toxic materials and removal of bulkhead structures, piers, and docks. Consistent with Ecology's definition, use of the word "restore," or any variations, in this document is not intended to encompass actions that reestablish historic conditions. Instead, it encompasses a suite of strategies that can be approximately delineated into four categories:

- Creation (of a new resource)
- Restoration (of a converted or substantially degraded resource)
- Enhancement (of an existing degraded resource)
- Protection (of an existing high-quality resource)

As directed by the Guidelines, the following discussions provide a summary of baseline shoreline conditions, list restoration goals and objectives, and discuss existing or potential programs and projects that positively impact the shoreline environment. In total, implementation of the SMP (with mitigation of project-related impacts) in combination with this Restoration Plan (for restoration of lost ecological functions that occurred prior to a specific project) should result in a net improvement in the City of Bonney Lake's shoreline environment in the long term.

In addition to meeting the requirements of the Guidelines, this Restoration Plan is also intended to support the City's or other non-governmental organizations' applications for grant funding, and to provide the interested public with contact information for the various entities working within the City to enhance the environment.

2.0 SHORELINE INVENTORY SUMMARY

2.1 Introduction

The City recently completed a comprehensive inventory and analysis of its shorelines (The Watershed Company and Makers 2010) as an element of its SMP update. The purpose of the shoreline inventory and analysis was to gain a greater understanding of the existing condition of Bonney Lake's shoreline environment to ensure the updated SMP policies and regulations are well suited in protecting ecological processes and functions. The inventory describes existing physical and biological conditions in the shoreline zones within City limits and includes recommendations for restoration of ecological functions where they are degraded. The *Shoreline Analysis Report for the City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek* (The Watershed Company and Makers 2010) is summarized below.

2.2 Shoreline Boundary

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated "shorelands." At a minimum, the waterbodies designated as shorelines of the state are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes whose area is greater than 20 acres. Shorelands are defined as:

... those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter...Any county or city may determine that portion of a one-hundred-year-floodplain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom... Any city or county may also include in its master program land necessary for buffers for critical areas (RCW 90.58.030)

The City's existing SMP is presently is in the process of being updated. The SMP will consist of the goals and policies in the City's comprehensive plan and provisions in the City's municipal code.

The northern portion of the City of Bonney Lake is located along the shoreline of Lake Tapps. Lake Tapps is approximately 4.5 square miles in size, and is therefore included in a classification of unique shorelines known as Shorelines of Statewide Significance.

Following the completion of the Final City of Bonney Lake Shoreline Analysis Report (The Watershed Company and Makers 2010) it was determined mutually by the City and The Washington State Department of Ecology (Ecology) that the portion of the Printz Basin Flume from its terminus to the City's jurisdictional boundary was not regulated under the SMA or the SMP. As a result, this area is no longer included in the City's SMP documents, including this Restoration Plan.

Fennel Creek exceeds the 20 cfs cutoff point after it leaves the main southern boundary of the City. However, the stream then briefly flows through a City owned parcel located on Rhodes Lake Road East (just downstream of Victor Falls). Proposed shoreline jurisdiction is shown below in Figure 1. The entire jurisdiction assessment and determination process can be reviewed in greater detail in Appendix C of the Final City of Bonney Lake Shoreline Analysis Report (The Watershed Company and Makers 2010).



Figure 1. City of Bonney Lake shoreline jurisdiction.

2.3 Inventory

The Final City of Bonney Lake Shoreline Analysis Report included all land within the City's proposed shoreline jurisdiction and the area upland of the Printz Basin Flume determined later not to be within the shoreline jurisdiction. Not including aquatic area or the Printz Basin Flume area, the shoreline jurisdiction totals approximately 217 acres (0.34 square miles) in area and encompasses about 9.7 miles (51,399 linear feet) of shoreline.

In order to break down the shoreline into manageable units and to help evaluate differences between discrete shoreline areas, the shorelines were divided into assessment units based on waterbody, land use and ecological condition. The Lake Tapps and Fennel Creek unit are shown below in Figures 2 and 3, respectively.

Table 1 shows the shoreline frontage and acreage of each assessment unit on Lake Tapps. A summary of inventory and analysis information from the Shoreline Analysis Report (The Watershed Company and Makers 2010) is presented in the following sections.

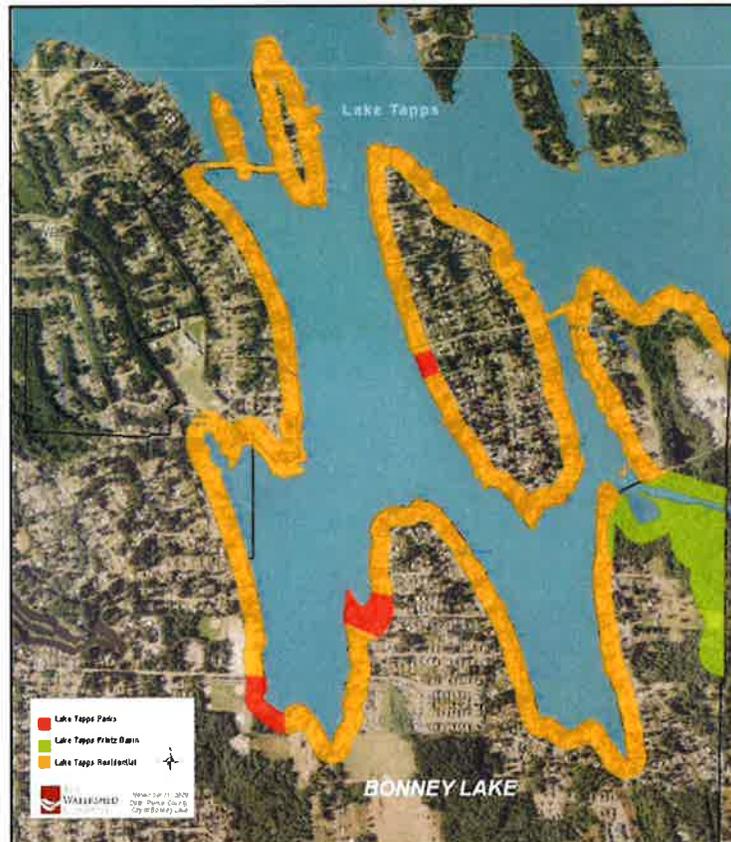


Figure 2. Lake Tapps shoreline assessment units.



Figure 3. Fennel Creek shoreline assessment unit.

Table 1. Dimensions of Lake Tapps shoreline assessment units.

Assessment Unit		Shoreline frontage (lineal feet)	Land Area ¹ (acres)
Lake Tapps	Residential	48,382.3	201.1
	Park Facilities	1,727.4	9.7
Fennel Creek		1,289.2	6.8
TOTAL		54,761.3	245.3

¹ Assessment unit area is the landward portion of the shoreline management area.

2.3.1 Land Use and Physical Conditions

The City of Bonney Lake is located in Pierce County, Washington, along the southern section of the shoreline of the approximately 4.5-square-mile Lake Tapps. The entire area is within Washington State’s Water Resource Inventory Area (WRIA) 10. The City encompasses approximately 5.5 square miles and is bordered nearly on all sides by unincorporated Pierce County jurisdiction, with a small shared border with Sumner along the northwest portion of the City. The City of Auburn is located generally north of Bonney Lake at the north end of Lake Tapps. Puyallup is located to the west, Buckley to the east, and Orting to the south. Only a portion of Lake Tapps is located in the City’s shoreline jurisdiction, while the remainder is located in unincorporated Pierce County. The upper portion of Fennel Creek passes through a substantial portion of the City, but as mentioned above, Fennel Creek does not meet the 20 cfs flow threshold (i.e., shoreline

designation criteria) until further downstream, south of the main southern boundary of the City. Only briefly does the stream pass through the City-owned parcel located on the south side of Rhodes Lake Road East. The study area for this report includes all land currently within the City's proposed shoreline jurisdiction.

Present land use in shoreline jurisdiction varies in some cases by assessment unit. The Residential assessment unit of the Lake Tapps shoreline is zoned 89 percent residential. Remaining land in the residential unit is zoned medium- and high-density residential and public facilities (1 percent). The Lake Tapps Park Facilities unit is 74 percent public facilities and 26 percent residential zoning. Fennel Creek is zoned entirely as public facilities. Much of the Lake Tapps shoreline is at build-out and contained within the Residential assessment unit. The much smaller Fennel Creek unit is undeveloped and nearly entirely vegetated. The Park Facilities unit is highly developed for recreational uses. At present, two of the three parks that make up the unit are in private ownership. The lot to the north of City-owned Allan Yorke Park is planned for development, with dedication of part of the shoreline to City ownership in the future by an approved permit. City-owned public access is limited to Allan Yorke Park at this time. Wetlands are depicted by a County inventory and the National Wetland Inventory along the majority of Lake Tapps shoreline and along Fennel Creek in the Fennel Creek assessment unit; much of the shoreline, however, is developed with lawns, bulkheads and docks and may no longer be functioning wetland.

The elements of impervious surface, overwater cover, shoreline armoring, vegetated cover, critical/historic areas, water quality, and Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) and listed species occurrence are shown in Table 2.

Table 2. Summary of Inventory by Assessment Unit.

Inventory Element	Shoreline Assessment Unit		
	Lake Tapps		Fennel Creek
	Residential	Park Facilities	
Impervious Surface	40%	29%	1%
Overwater Cover¹	<ul style="list-style-type: none"> • 516 piers, docks, or other structures • 5 lots w/o structures (1%) • ~83 boat canopies (18% of waterfront lots) 	<ul style="list-style-type: none"> • 8 piers, docks, or other structures – includes swim enclosures 	NA
Shoreline Armoring²	<ul style="list-style-type: none"> • Not Armored: ~4,750 ft (10%) • Bulkhead: 90% • Boat Ramps: ~49 ramps (11% of waterfront lots) 	<ul style="list-style-type: none"> • Not Armored: ~1020 ft (59%) • Bulkhead: ~700 ft (41%) • Boat Ramps: 3 	NA
Critical Areas	<ul style="list-style-type: none"> • Wetlands – as percent of area (13%) • Floodplain – 10% • Geologically Hazardous Areas - 29% • Habitat Conservation Areas - 0% 	<ul style="list-style-type: none"> • Wetlands – 18% • Floodplain – 16% • Geologically Hazardous Areas - 0% • Habitat Conservation Areas – 54% 	<ul style="list-style-type: none"> • Wetlands – 49% • Floodplain – 35% • Geologically Hazardous Areas - 85% • Habitat Conservation Areas – 0%
Listed Species	<ul style="list-style-type: none"> • None listed 	<ul style="list-style-type: none"> • None listed 	<ul style="list-style-type: none"> • Chinook salmon • Steelhead
Priority Habitat and Species	<ul style="list-style-type: none"> • Waterfowl concentrations • Priority wetlands • Bald eagle 	<ul style="list-style-type: none"> • Waterfowl concentrations • Priority wetlands • Bald eagle 	<ul style="list-style-type: none"> • Priority wetlands
Impaired Waters (303d/305b)	<ul style="list-style-type: none"> • Invasive exotic species (Category 4C) • Total Phosphorus (Category 1) 	<ul style="list-style-type: none"> • Invasive exotic species (Category 4C) • Total Phosphorus (Category 1) 	N/A

¹ Assessment of overwater cover conducting using 2008 aerial photo. Digitized cover was not available in GIS.

² Assessment of shoreline armoring conducting using 2008 aerial photo. This assessment tallied the number of unarmored waterfront lots. Based on the total shoreline length and the number of waterfront parcels, an average length of 100 feet of water edge was estimated per lot.

2.3.2 Biological Resources and Critical Areas

The City of Bonney Lake’s shorelines are located in the Lake Tapps Sub-basin (of the White River watershed) and the Fennel Creek Sub-basin (of the Puyallup River

watershed). Characteristics for the White River Basin are described in the White River Basin Plan Characterization Report (Pierce County 2007). Additional characteristics for Lake Tapps as a whole are presented in the Draft Pierce County Inventory and Characterization Report (ESA 2007).

Lake Tapps, which was originally four small lakes, is now the largest lake/reservoir in Pierce County, totaling approximately 4.5 square miles in surface area (2,296 acres) and includes approximately 45 miles of shoreline. The City includes 9.5 miles of Lake Tapps shoreline frontage, resulting in 211 acres of shoreline jurisdiction area associated with the lake (includes associated wetland complexes). The entire jurisdiction assessment and determination process can be reviewed in detail in Appendix C of the Shoreline Analysis Report (The Watershed Company and Makers 2010).

Lake Tapps was formed in the early 1900's as a water reservoir for hydroelectric power generation by building nearly 2.5 miles of dikes and embankments around four small lakes. Water is diverted from the White River at a facility in the City of Buckley and then transported through a combination of flumes and open channels to Lake Tapps. Discharge from Lake Tapps enters back into the White River near the City of Sumner. Puget Sound Energy has recently ceased hydroelectric production in Lake Tapps and has sold the lake and the associated water right to the Cascade Water Alliance (CWA). Future lake operation (elevation and corresponding hydrograph) will be determined by CWA but coordinated through the Lake Tapps Community Council. The Washington State Department of Ecology is reviewing current information regarding the use of Lake Tapps as a municipal water supply. Much like operations conducted during Puget Sound Energy's ownership, CWA plans to maintain higher water levels in the spring, summer and fall for recreational purposes. In late fall through winter, the lake levels are lowered to allow homeowners to repair and maintain docks and bulkheads and also to provide for dike maintenance/repair and control of milfoil.

Testing of Lake Tapps water quality by the Department of Ecology has found that the lake can be classified as oligotrophic (i.e., nutrient limited) but has recorded elevated levels of chlorophyll concentrations and hypolimnetic oxygen depletion which would indicate that the lake is more mesotrophic (i.e., moderately productive) (Ecology 2006).

Within the southern portion of the City, shoreline jurisdiction includes a small segment of Fennel Creek, totaling ¼-mile, as it meanders through City owned property. The shoreline area for the stream is 6.8 acres. Fennel Creek is a tributary to the Puyallup River, and drains a total of approximately 11 square miles. Fennel Creek originates near the north side of SR-410 east of its intersection with 233rd Street East. The stream drains

an area of various land uses including, agricultural, rural, and residential. Fennel Creek flows through several steep canyons before emptying into the Puyallup River.

Biological resources of the Bonney Lake shoreline areas perform hydrologic, vegetative, hyperheic and habitat functions, which are used in the Shoreline Analysis Report (The Watershed Company and Makers 2010) to evaluate assessment unit performance. They are summarized in the following paragraphs and Table 3.

The following summarizes the general existing condition along most of the Lake Tapps shoreline in the City of Bonney Lake, noting the overall degradation of shoreline function due to historical development and clearing along the lakeshore. The Lake Tapps Residential assessment unit is entirely residential parcels and primarily single-family. Biological function is low for the unit because of the built conditions: a high degree of shoreline armoring, numerous overwater structures, high potential for pollutants from lawns and developed areas, and a very low degree of remaining natural vegetation. Little potential for large woody debris and organic matter recruitment exists. The lack of both living and dead vegetation greatly limits many biological functions, include wave attenuation, nutrient and sediment removal, bank stabilization, temperature regulation, and food production and delivery.

The Park Facilities unit of the Lake Tapps shoreline consists of three parks. The sole public park, Allan Yorke Park, is located in the southwestern corner of Lake Tapps and includes approximately 700 feet of shoreline. The entirety of the shoreline is hardened with bulkheads. The park is bisected by West Tapps Highway East. Amenities on the eastern (waterward) portion of the park include a boat launch, fishing dock, and swimming areas. Upland amenities include ball fields, playgrounds, a skateboard park, tennis courts, and restrooms. The southernmost portion of the shoreline is owned by CWA, while the northern portion is owned by the City. Church Lake Park is located just to the northeast of Allan Yorke Park. The park is made up of two parcels and includes approximately 800 feet of shoreline frontage. The park is not open to the public, as it is commonly owned by nearby property owners. Park amenities include a basketball court, picnic areas, a boat launch and a dock. The third and final park on Lake Tapps within City jurisdiction is located on the western shoreline of Inlet Island. The park is made up of four separate parcels, and just like Church Lake Park, is not open to the public. The park includes a volleyball court, playground, several buildings, a boat launch, two docks and an enclosed swimming area. The park includes a total of approximately 280 feet of shoreline frontage.

Biological function in the Park Facilities unit is also low, due to high development that includes impervious surface and maintained lawn. Potential for contaminated runoff is high, and little natural vegetation exists to perform water quality, water storage, or habitat functions. A lack of woody debris and organic materials further limits habitat function, as well as the normal functions of vegetation, as described previously in this section for the Residential unit.

The Fennel Creek assessment unit consists of that portion of Fennel Creek that flows through City-owned property just south of Rhodes Lake Road East. The parcel, approximately 9.7 acres in size, is completely surrounded by areas of unincorporated Pierce County, with the nearest areas of City jurisdiction located approximately 500 feet northwest of the parcel. Victor Falls, an 80-foot-high waterfall on Fennel Creek, is located just upstream of the City property. The property through which Fennel Creek passes is the location of the Victor Falls Springs, one of four wells from which the City draws its water. The City has assessed each of the four wells and determined that Victor Falls Springs is the least safe of the four due to its close proximity to nearby septic systems. However, nitrate levels at the well do not exceed the State Board of Health's maximum contaminant level.

Fennel Creek is a perennial stream whose headwaters are located near the north side of SR 410, east of its intersection with 233rd Street East. The entire Fennel Creek Sub-basin drains approximately 11 square miles, of which three square miles are located within Bonney Lake. Victor Falls presents a fish passage barrier to anadromous fish attempting to migrate up Fennel Creek. Below the falls, and therefore on City property, Fennel Creek contains steelhead, coho, Chinook, and possible bull trout. Overall, biological function in the unit is moderate/high. Habitat function is high because of dense native forest in the unit. The stream channel is relatively undisturbed. However, the shoreline soils are susceptible to erosion and development in upper basin has likely altered flow regime. These characteristics temper sediment transport and nutrient/toxin removal function somewhat.

Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) maps indicate the presence of waterfowl concentrations in the entirety of Lake Tapps (see the Shoreline Analysis Report, Appendix D, Figure 9). Coho salmon, resident cutthroat trout, and winter steelhead occurrences are depicted in Fennel Creek within shoreline jurisdiction.

Table 3. Summary of shoreline inventory ecological function ratings by assessment unit.

Shoreline Processes and Functions Occurring within Assessment Unit	Shoreline Assessment Unit		
	Lake Tapps		Fennel Creek
	Residential	Park Facilities	
Hydrologic			
Storage of water and sediment	Low/moderate	Low/moderate	Moderate/high
Transport of water and sediment	N/A	N/A	Moderate
Attenuation of flow energy	Low/moderate	Moderate	Moderate/high
Developing pools, riffles and gravel bars	N/A	N/A	Moderate/high
Removing excess nutrients and toxic compounds	Low	Low	Moderate
Recruitment and transport of LWD and other organic materials	Low	Low	Moderate/high
Vegetation			
Temperature regulation	Low	Low	Moderate/high
Water quality improvement	Low	Low	Moderate/high
Attenuation of flow energy	Low	Low	High
Sediment removal and bank stabilization	Low	Low/moderate	Moderate/high
Recruitment of LWD and organic matter	Low	Low	High
Hyporheic			
Removing excess nutrients and toxic compounds	N/A	N/A	Moderate
Water storage and maintenance of base flows	N/A	N/A	Moderate
Support of vegetation	N/A	N/A	Moderate
Habitat			
Physical space and conditions for life history support	Low	Low/moderate	High
Food production and delivery	Low	Low	Moderate/high
Summary	Low	Low	Moderate/high

3.0 RESTORATION GOALS AND OBJECTIVES

In accordance with statewide provisions (WAC 173-26-201(2)(f)), this restoration plan includes “goals, policies and actions for restoration of impaired shoreline ecological functions...designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program.” The documents summarized in this section target at various levels the general goal of shoreline ecological function improvement.

In support of this general goal, the City’s SMP (Chapter 13, Section 5.6) includes the following goal and policies as part of the Shoreline Restoration and Ecological Enhancement provisions:

Goal SL-21: Implement the projects, programs, and plans to restore areas that have been degraded or diminished as a result of past activities.

Policy SL-21.1: Include provisions for shoreline vegetation restoration, fish and wildlife habitat enhancement, and low impact development techniques in projects located within the shoreline.

Policy SL-21.2: Minimize impacts from publicly initiated aquatic vegetation management efforts.

3.1 Pierce County Shoreline Restoration Report

The Pierce County SMP update includes five goals in its restoration report component (ESA Adolfson 2009). These goals are intended to fulfill the County-wide restoration vision:

The County will strive to restore, protect and enhance the shoreline resources and ecological processes that contribute to those resources through a combination of public actions and voluntary private actions. Restoration efforts, combined with protection of existing shoreline resources, will be targeted to create a net improvement in the shoreline ecosystem over time so as to benefit native fish and wildlife, and maintain public amenities for the people of Pierce County, Washington.

The Pierce County restoration goals are as follows:

1. To improve shoreline processes, functions, and values over time through regulatory and voluntary and incentive-based public and private programs and actions that are consistent with the SMP and other agency/locally adopted restoration plans.

2. To increase the availability, viability and sustainability of shoreline habitats for salmon, shellfish, forage fish, shorebirds and marine seabirds, and other species; improve habitat quality for sensitive and/or locally important species; and support the biological recovery goals for federally protected species.
3. To integrate restoration efforts with capital projects and other resource management efforts including, but not limited to, shellfish closure response plans and water cleanup plans.
4. To encourage cooperative restoration actions involving local, state, and federal public agencies, tribes, non-government organizations, and private landowners.
5. To participate in the Puget Sound Partnership and commit energy and resources to implementation of the Puget Sound Action Agenda.

4.0 ONGOING CITY PLANS AND PROGRAMS

The City of Bonney Lake implements elements of the Growth Management Act through the adoption of the City's comprehensive plan and the Bonney Lake Municipal Code, which includes critical areas regulations that apply outside of shoreline jurisdiction. The City also has stormwater regulations and a Septic System Abatement Master Plan.

4.1 Comprehensive Plan

The Bonney Lake Comprehensive Plan (City of Bonney Lake 2007) goals and policies pertaining to shoreline area enhancement and restoration are listed below. These policies center on enhancing sensitive and critical areas and habitat, with particular attention to improving water quality within Lake Tapps by reducing septic system use as well as enhancing vegetated buffers along the Fennel Creek corridor.

- Policy 2-2d* Require new subdivisions and commercial development to connect to public sewers.
- Policy 2-2e* Encourage homes and businesses with septic systems to connect to public sewers.
- Policy 2-3d* Encourage vegetative buffers along streams and drainage ways to enhance water quality, protect habitat, and prevent erosion.

Policy 2-7b Help implement the Fennel Creek corridor environmental improvements identified in the 1999 Environmental Analysis of the Fennel Creek Corridor.

4.2 City of Bonney Lake NPDES Stormwater Management Program

The Phase II NPDES Stormwater Management Program includes ordinances and programs in fulfillment of local, state and federal stormwater requirements, as well as identifying water quality and quantity problems that may impact the environment and making recommendations for improvements. Adoption of the 2005 Ecology Stormwater Management Manual for Western Washington is required by the NPDES Phase II permit.

The objectives of the City plan are as follows:

1. Public education and outreach on stormwater impacts.
2. Public involvement/participation.
3. Illicit discharge detection and elimination.
4. Construction site stormwater runoff control.
5. Post-construction stormwater management in new development and redevelopment.
6. Pollution prevention/good housekeeping for municipal operations.

4.3 City of Bonney Lake Septic System Abatement Master Plan

The City has developed a Septic System Abatement Master Plan that identifies areas within the City's Core Sewer Service Area that are currently served by on-site septic systems and drainfields, and establishes a systematic program for connecting these areas to the municipal sewer system. As part of this effort, an abatement criteria matrix was developed to assist in ranking the potential abatement areas. One of the criteria used in developing the matrix was the proximity to high groundwater and surface water areas. The estimated cost to implement the plan at all the abatement areas studied is approximately \$25 million. A project report indicated that creating a local improvement district, obtaining Public Works Trust Funds, and allocating money from the City's General Fund were potential financing strategies and recommended that the City

develop a formal policy document to guide septic system abatement (RH2 Engineering, Inc. 2012).

5.0 PARTNERSHIPS

Federal, state, regional, and local agencies and organizations are actively involved in shoreline restoration, conservation, and protection in and around the City of Bonney Lake. These partners and their local roles in shoreline protection and/or restoration are identified below and generally ordered by the scope of the organization, from the larger state and watershed scales to the City-scale in the Bonney Lake area.

5.1 Washington State Conservation Commission

The completion of the 1999 Salmonid Habitat Limiting Factors Report for the Puyallup River Watershed Area (WRIA 10) identifies areas in the Puyallup watershed, including Lake Tapps, in need of protection, as well as data gaps.

5.2 Washington State Department of Ecology

The Washington State Department of Ecology completed the Puyallup-White Watershed Assessment Summary in 1995. This document describes existing data on water rights, stream flows, precipitation, geology, hydrology, water quality, fisheries resources, and land use patterns.

WRIA 10 is currently not working under the Watershed Planning Act (Ecology is the lead agency for this legislation).

5.3 Shared Strategy for Puget Sound

Shared Strategy for Puget Sound (SSPS) is a collaborative effort supported by state and federal agencies, local governments and non-government organizations, and legislators aimed at encouraging recovery plans to protect and restore salmon runs in Puget Sound. The Puyallup/White River Watershed Profile of the Puget Sound Salmon Recovery Plan (SSPS 2007) identifies as limiting factors in salmon recovery access, sedimentation, lack of nearshore habitat, point and non-point source pollution, degraded and lacking riparian conditions, and lost floodplain processes. The Plan includes a number of recommendations for salmon recovery in the White River Basin. These include but are not limited to restoration of floodplain connectivity in the lower White River and increased protection and restoration of tributaries that presently support high salmon productivity.

5.4 Puget Sound Partnership

The Puget Sound Partnership (Partnership) consists of representatives from a variety of interests from the Puget Sound region including business, agriculture, the shellfish industry, environmental organizations, local governments, tribal governments, and the Washington State Legislature. Some of the Partnership's key tasks are as follows:

- Develop a set of recommendations for the Governor, the Legislature and Congress to preserve the health of Puget Sound by 2020 and ensure that marine and freshwaters support healthy populations of native species as well as water quality and quantity to support both human needs and ecosystem functions.
- Engage citizens, watershed groups, local governments, tribes, state and federal agencies, businesses and the environmental community in the development of recommendations.
- Review current and potential funding sources for protection and restoration of the ecosystem and, where possible, make recommendations for the priority of expenditures to achieve the desired 2020 outcomes.

The Partnership, through the Leadership Council, released an Action Agenda in December 2008. Implementation of this Action Agenda has resulted in state and federal funding of restoration and protection initiatives and projects. This includes integrating the work of the Puget Sound Nearshore Restoration Project to increase focus on completing work necessary to request Puget Sound restoration funds under the Water Resources Development Act slated for 2012.

5.5 Pierce County

5.5.1 *Pierce County Public Works and Utilities: Surface Water Management Division*

The Pierce County Public Works and Utilities Department's Surface Water Management Division completed the White River Basin Plan Characterization Report in 2007. The document includes an analysis of basin conditions, including impervious surface, land use, water quality, habitat, floodplain, and stream characteristics. The County intends to present recommendations for solutions to identified problems regarding water quality, habitat, and floodplains in the next phase of study.

5.5.2 *Pierce County Parks and Recreation*

The Pierce County Park, Recreation and Open Space Plan was completed in 2008 and updated in 2009 (Pierce County 2009). One of the core values put forth in the plan is the conservation of natural and open spaces, wildlife habitat, shoreline environments, and ecological resources. Goals of the plan include providing parks and open spaces that conserve and enhance environmental features, link open space and significant environmental features, and incorporate natural areas to protect and conserve threatened species, habitat, and migration corridors.

5.5.3 *Pierce County Lead Entity*

Pierce County serves as the Lead Entity for the Puyallup/White watershed. The Lead Entity is charged with gathering information so that the a Citizen's Advisory Committee (CAC) of stakeholders can rank projects for funding consideration by the Salmon Recovery Funding Board (SRFB). The CAC's mission is "to support the recovery of self-sustaining, harvestable salmon populations in Puget Sound by restoring and protecting the habitat in WRIAs 10 and 12."

The Salmon Habitat Protection and Restoration Strategy for WRIAs 10 and 12 was completed in March 2008 (Pierce County Lead Entity 2008). The goal of the document is "to provide guidance to the CAC and TAG [Technical Advisory Group], the SRF Board, and Project Sponsors to identify and prioritize salmon habitat recovery projects in WRIAs 10 and 12." No projects within Bonney Lake shoreline jurisdiction are identified in the strategy; this does not preclude future project recommendations within the jurisdiction, however.

5.6 *Pierce Conservation District*

The Conservation District's mission is "To protect the natural resources and sustainable agriculture of Pierce County, by empowering local individuals and communities." To this end, the Conservation District provides guidance to Pierce County landowners on practices that reduce non-point pollution; in some cases, the Conservation District provides funding for landowners to assist them in implementing best management practices. The Conservation District's 5-Year Plan (2010 to 2015) summarizes the agency's priorities: to enhance and protect soil water, biodiversity, salmon, shellfish, and native plant resources; to assist landowners in protecting water quality, improving habitat, and conserving natural resources, while sustaining the agricultural community; and to involve and educate the local community through volunteer projects that improve stream quality in the County for the benefit of fish, wildlife and people.

The Stream Team began as a one-year Conservation District project and continues to work county-wide with volunteers to complete habitat and water quality improvement projects.

5.7 South Puget Sound Salmon Enhancement Group (SPSSEG)

This 501(c)(3) organization's mission is to work in cooperation with other groups to locate funding and plan, implement, and monitor fish and habitat enhancement and restoration projects, focusing on salmon and aquatic habitats. The SPSSEG takes an ecosystem approach and utilizes volunteers and public education in the region, which includes the entirety of WRIA 10.

5.8 Puyallup Tribe

The Tribe's Natural/Environmental Resources Program's mission is:

To protect, enhance, manage and restore the Natural Resources of the Puyallup Tribe of Indians. Key department entities include Water Quality, Air Quality, Wildlife, Fisheries, GIS and Environmental. This department continues to build relationships and establishes cooperation with local, state and federal jurisdictions to protect human health and the environment of Tribal members.

Goals of the Tribe include addressing habitat mitigation associated with PSE/CWA water right issues; continuing water quality sampling, monitoring, and analysis; and continuing watershed analysis for habitat enhancement and restoration opportunities.

5.9 National Fish and Wildlife Foundation (NFWF) Community Salmon Fund

The NFWF and Pierce County formed the Pierce County Community Salmon Fund in 2002 as a funding program for restoration projects that involved landowners and raise local support for salmon recovery. The goals of the Fund are:

- To fund salmon protection and restoration projects that have a substantial benefit to the watershed and that are consistent with Pierce County's Ecosystem and Diagnosis Treatment (EDT).
- To enlist landowners and community groups in project implementation and monitoring.
- To foster creativity and leadership in the community to address conservation needs.

- To focus on community members and groups that can be of particular help in salmon recovery.

5.10 Fennel Creek Preservation Group

This group of Bonney Lake citizens' mission is "the protection, preservation and restoration of the Fennel Creek Watershed and to encourage environmental education about its valuable Pacific Northwest habitats and ecosystems." The organization hosts speakers and forums on restoration and other environmental issues, holds educational events, and conducts volunteer projects in the Fennel Creek watershed.

5.11 Cascade Water Alliance

Cascade Water Alliance (CWA), owner and operator of Lake Tapps for the future purpose of supplying regional potable water, maintains a close association to Bonney Lake and Pierce County, as well as the neighboring cities of Auburn, Buckley and Sumner to help assure a consistent water supply for the next 50 years. CWA is actively working on planning efforts to maintain and improve long-term water quality for Lake Tapps. Current restoration activities include the eradication of Eurasian milfoil. CWA has also noted that future restoration of shoreline vegetation is expected at both Church Lake Park and along their shoreline owned property located south of 61st Street E and east of S. Tapps Drive E.

5.12 Other Environmental Organizations

Several environmental groups maintain offices and/or programs in Pierce County. While these groups have not historically worked in the shoreline jurisdiction of Bonney Lake, this does not preclude involvement in restoration activities in the future. Potentially active groups include:

- Cascade Land Conservancy
- Foothills Trail Coalition
- Forever Green
- Bonney Lake Conservation Group
- The Washington Wildlife and Recreation Coalition
- Trout Unlimited

6.0 POTENTIAL PROJECTS

Although Lake Tapps is geographically located in WRIA 10, it is disconnected from major waterways and salmon-bearing streams via the diversion flume in the City of Buckley (inlet) and the former Puget Sound Energy powerhouse channel (outlet). Otherwise, the lake is generally connected through localized effects of urbanization on watershed-level processes (e.g., generation and discharges of stormwater runoff, reduced groundwater recharge, deforestation, etc). As such, restoration opportunities on Lake Tapps are less about salmon conservation (as is common around the region) and more about water quality and habitat improvements for other terrestrial and aquatic wildlife.

Opportunities include:

- Collaborate on the removal of Eurasian milfoil and other invasive aquatic plants. Cascade Water Alliance is actively planning for the removal and eradication of Eurasian milfoil, having received grants from the Washington Department of Ecology.
- Improve water quality by implementing projects identified in the City's Septic System Abatement Master Plan and encourage the future conversion to connect both existing and future development to the city municipal sewer system.
- Remove non-native invasive terrestrial vegetation.
- Enhance shoreline vegetation by planting native tree and shrub communities. The City is establishing an incentive program for single-family residential development to address shoreline vegetation restoration around the lake. Through the implementation of BLMC 16.56.040, incentives are provided to single-family residential property owners to allow for reduced setbacks in exchange for the installation of shoreline vegetation. This would apply to developed lots, which may redevelop in the future. Implementation of this incentive program will address the overall lack of shoreline vegetation along the lakeshore as identified in the Shoreline Analysis Report and encourage the installation of native shoreline species which will enhance habitat availability and improve lake water quality (The Watershed Company and Makers 2010).
- Working with CWA to restore shoreline vegetation at Church Lake Park and their property located south of 61st Street E and east of S. Tapps Drive E.

- Encourage the joint-use of overwater structures.
- Many residential (and some park) shoreline properties on Lake Tapps have the potential for improvement of ecological functions through: 1) reduction or modification of shoreline armoring, 2) reduction of overwater cover and in-water structures (grated pier decking, pier size reduction, pile size and quantity reduction, moorage cover removal), 3) improvements to nearshore native vegetative cover, and/or 4) reductions in impervious surface coverage.

7.0 STRATEGIES TO ACHIEVE LOCAL RESTORATION GOALS

This section discusses programmatic measures for Bonney Lake designed to foster shoreline restoration and achieve a net improvement in shoreline ecological processes, functions, and habitats. With projected budget and staff limitations, the City of Bonney Lake does not anticipate leading most restoration projects or programs. However, the City's SMP represents an important vehicle for facilitating and encouraging restoration projects and programs that could be led by private and/or non-profit entities. The City's restoration goal focuses on restoring areas that have been degraded or diminished as a result of past activities. The discussion of restoration mechanisms and strategies below highlights programmatic measures that the City may potentially implement as part of the achieving this goal, as well as parallel activities that would be led by other governmental and non-governmental organizations.

7.1 Pierce County White River Basin Plan

The 2007 White River Basin Plan Characterization Report (Pierce County Public Works and Utilities 2007) represents Phase 1 of White River watershed planning. The document includes a comprehensive description of the watershed, including land use, climate, and all natural features and conditions. Phase II is in progress and will consist of project identification, rating and ranking. Protecting habitat and water quality and reducing flooding will be the primary focus of the projects investigated as part of Phase II. While the plan itself will consider only projects in unincorporated Pierce County, the processes by which projects are identified and ranked will provide guidance to the City for characterizing and prioritizing potential restoration projects in Bonney Lake's shoreline jurisdiction.

7.2 Capital Improvement Projects and Transportation Improvement Plans

The City could develop and incorporate a shoreline restoration goal for capital and transportation improvements. Outfalls and discharges to Lake Tapps make potential projects candidates for restoration components.

Currently, approximately \$300K is allocated annually for the conversion of local residential areas from septic to municipal sewer. At a minimum, the continuation of this program will serve to incrementally improve water quality in Lake Tapps. However, as identified in the Septic System Abatement Master Plan recommendations, further funding may be allocated in the future to help accelerate this effort. Funding options include developing a local improvement district, drawing from the City's general fund, obtaining Public Works Trust Funds, as well as seeking other State or Federal grants.

7.3 Development Opportunities/Incentives

The shoreline vegetation incentive program (BLMC 16.56.040) was developed to promote shoreline revegetation along Lake Tapps. By allowing for incremental reductions to the shoreline setback requirement based on revegetation area, existing homeowners who are likely to redevelop will have mechanisms to allow them to balance the use of their residential property with improvement in ecological function.

7.5 Tax Relief/Fee System

A tax relief/fee system to directly fund shoreline restoration measures may be investigated in the future. One possibility is to have the City work with the County to craft a preferential tax incentive through the Open Space-Public Benefit Rating System-Tax Program administered by the County under the Open Space Taxation Act (RCW 84.34) to encourage private landowners to preserve natural shore-zone features for "open space" tax relief. Ecology has published a technical guidance document for local governments who wish to use this tool to improve landowner stewardship of natural resources. More information about this program can be found at <http://www.ecy.wa.gov/biblio/99108.html>. The guidance in this report provides technically based property selection criteria designed to augment existing open space efforts with protection of key natural resource features that directly benefit the watershed. Communities can choose to use any portion, or all, of these criteria when tailoring a Public Benefit Rating System to address the specific watershed issues they are facing.

7.6 Shoreline Restoration Fund

A chief limitation to implementing restoration is local funding, which is often required as a match for state and federal grant sources. To foster ecological restoration of the City's shorelines, the City may establish an account that may serve as a source of local match monies for non-profit organizations implementing restoration of the City's shorelines. This fund may be administered by the City shoreline administrator and be supported by a levy on new shoreline development proportional to the size or cost of the new development project. Monies drawn from the fund would be used as a local match for restoration grant funds, such as the SRFB, Aquatic Lands Enhancement Account (ALEA), or another source.

7.8 Resource Directory

Development of a resource list would be helpful in aiding both property owners and City departments who want to be involved in restoration. For example, landowners and/or the City might be directed toward SRFB. SRFB administers two grant programs for protection and/or restoration of salmon habitat. Eligible applicants can include municipal subdivisions (cities, towns, and counties, or port, conservation districts, utility, park and recreation, and school districts), tribal governments, state agencies, nonprofit organizations, and private landowners.

7.9 Volunteer Coordination

The City will continue to emphasize and accomplish restoration projects by using volunteers from within the community. The City can also coordinate with the groups listed in Section 5.0, many of which already have volunteer programs in place.

7.10 Regional Coordination

The City should look for opportunities to coordinate restoration efforts with Pierce County and the Pierce Conservation District for involvement in regional restoration planning and implementation.

8.0 PROPOSED IMPLEMENTATION TARGETS AND MONITORING METHODS

8.1 Project Evaluation

When a restoration project is proposed for implementation by the City, other agency, or by a private party, the project should be evaluated to ensure that the project's objectives are consistent with those of this Restoration Plan of the SMP and, if applicable, that the project warrants implementation above other candidate projects. (It is recognized that, due to funding sources or other constraints, the range of any individual project may be narrow.) It is also expected that the list of potential projects may change over time, that new projects will be identified and existing opportunities will become less relevant as restoration occurs and as other environmental conditions, or our knowledge of them, change.

When evaluating potential projects, priority should be given to projects most meeting the following criteria:

- Restoration meets the goals and objectives for shoreline restoration.
- Restoration of processes is generally of greater importance than restoration of functions.
- Restoration avoids residual impacts to other functions or processes.
- Projects address a known degraded condition.
- Conditions that are progressively worsening are of greater priority.
- Restoration has a high benefit to cost ratio.
- Restoration has a high probability of success.
- Restoration is feasible, such as being located on and accessed by public property or private property that is cooperatively available for restoration. Restoration should avoid conflicts with adjacent property owners.
- There is public support for the project.
- The project is supported by and consistent with other restoration plans.

The City should consider developing a project “score card” as a tool to evaluate projects consistent with these criteria.

8.2 Monitoring and Adaptive Management

In addition to project monitoring required for individual restoration and mitigation projects, the City should conduct system-wide monitoring of shoreline conditions and development activity, to the degree practical, recognizing that individual project monitoring does not provide an assessment of overall shoreline ecological health. The following three-prong approach is suggested:

1. Track information using the City’s permit system as activities occur (development, conservation, restoration and mitigation), such as those listed below:
 - a. New shoreline development
 - b. Shoreline variances and the nature of the variance
 - c. Compliance issues
 - d. New impervious surface areas
 - e. Number of pilings
 - f. Removal of fill
 - g. Vegetation retention/loss
 - h. Bulkheads/armoring

The City may require project proponents to monitor as part of project mitigation, which may be incorporated into this process. Regardless, as development and restoration activities occur in the shoreline area, the City should seek to monitor shoreline conditions to determine whether both project specific and SMP overall goals are being achieved.

2. Re-review status of environmental processes and functions at the time of periodic SMP updates to, at a minimum, validate the effectiveness of the SMP. Re-review should consider what restoration activities actually occurred compared to stated goals, objectives and priorities, and whether restoration projects resulted in a net improvement of shoreline resources.

Under the Shoreline Management Act, the SMP is required to result in no net loss of shoreline ecological functions. If this standard is found to not be met at the time of review, the City will be required to take corrective actions. The goal for restoration is to achieve a net improvement. The cumulative effect of restoration over time between reviews should be evaluated along with an assessment of impacts of development that is not fully mitigated to determine effectiveness at achieving a net improvement to shoreline ecological functions.

Evaluation of shoreline conditions, permit activity, policy, and regulatory effectiveness should occur at varying levels of detail consistent with the SMA review cycle. A complete reassessment of conditions, policies and regulations must be conducted at least once every eight years, consistent with RWC 90.58.080. To conduct a valid reassessment of the shoreline conditions every eight years, it is necessary to monitor, record and maintain key environmental metrics to allow a comparison with baseline conditions. As monitoring occurs, the City should reassess environmental conditions and restoration objectives. Those ecological processes and functions that are found to be worsening may need to become elevated in priority to prevent loss of critical resources. Alternatively, successful restoration may reduce the importance of some restoration objectives in the future.

8.3 Reporting

The restoration opportunities presented in this document included are based upon a detailed inventory and analysis of shoreline conditions by many sources. Nonetheless, exhaustive scientific information about shoreline conditions and restoration options is cost prohibitive at this stage. Additionally, restoration is at times experimental. Monitoring must be an aspect of all restoration projects. Information from monitoring studies will help demonstrate what restoration is most successful. Generally, conservation of existing natural areas is the least likely to result in failure. Alternatively, enhancement (as opposed to complete restoration of functions), has the highest degree of uncertainty.

This Restoration Plan does not provide a comprehensive scientific index of restoration opportunities that allows the City to objectively compare opportunities against each other. If funding was available, restoration opportunities could be ranked by which opportunities are expected to have the highest rates of success, which address the most pressing needs, and other factors. Funding could also support a long-term monitoring program that evaluates restoration over the life of the SMP (as opposed to independent

monitoring for each project). However, the following table (Table 4) outlines a possible schedule and funding sources for implementation of a variety of efforts that could improve shoreline ecological function, and are described in previous sections of this report.

**Table 4.
Implementation Schedule and Funding for Restoration Projects, Programs and Plans.**

Restoration Project/Program	Schedule	Funding Source or Commitment
Washington State Conservation Commission	Ongoing	The City will refer to the Salmonid Habitat Limiting Factors Report for guidance regarding habitat limiting factors and data gaps as restoration projects are considered.
Washington Department of Ecology	Ongoing	The Puyallup-White Watershed Assessment was completed in 1995. The City is not currently working under the Watershed Planning Act.
Pierce County Lead Entity	Ongoing	The Lead Entity's Salmon Habitat Protection and Restoration Strategy does not include any projects within Bonney Lakes' shoreline jurisdiction. This does not preclude involvement of the City as new projects are proposed and considered.
Pierce Conservation District	Ongoing	The City will pursue partnership opportunities as time and budget permit.
Bonney Lake Comprehensive Plan	Ongoing	The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with the recently updated Comprehensive Plan.
Bonney Lake Phase II NPDES Stormwater Management Program	Completed in February 2008	The SWMP commits the City to education and outreach, public involvement, detection and enforcement, stormwater control, and pollution prevention.
Bonney Lake Septic System Abatement Master Plan	Ongoing	Options include forming local improvement district, obtaining Public Works Trust Funds, and allocating money from the City's General Fund.
Bonney Lake Shoreline Vegetation Incentive Program	Following SMP approval	Funding for project implementation would be directly from private shoreline property owners for work on their own shorelines.

City planning staff tracks all land use and development activity, including exemptions, within shoreline jurisdiction, and may incorporate actions and programs of the other departments as well. A report may be assembled that provides basic project information, including location, permit type issued, project description, impacts, mitigation (if any), and monitoring outcomes as appropriate. Examples of data categories might include square feet of non-native vegetation removed, square feet of

native vegetation planted or maintained, reductions in chemical usage to maintain turf, linear feet of eroding stream bank stabilized through plantings, or linear feet of shoreline armoring removed. The report would also outline implementation of various programs and restoration actions (by the City or other groups) that relate to watershed health.

The staff report may be assembled to coincide with the SMP review cycle and may be used, in light of the goals and objectives of the SMP, to determine whether implementation of the SMP is meeting the basic goal of no net loss of ecological functions relative to the baseline condition established in the inventory and analysis report. In the long term, the City should be able to demonstrate a net improvement in the City of Bonney Lake's shoreline environment.

9.0 REFERENCES

- City of Bonney Lake. 2007. City of Bonney Lake Comprehensive Plan. February 2007. (Portions updated until December 2009.)
- ESA Adolfson. 2009. Pierce County Shoreline Master Program Project: Shoreline Restoration Report. October 2007. Prepared for Pierce County Planning and Land Services Department. Pierce County, WA.
- Pierce County. 2007. White River Basin Plan Characterization Report. Public Works & Utilities, Water Programs Division document, September 2007.
<http://www.co.pierce.wa.us/pc/services/home/environ/water/ps/watershed/whiterivermain.htm>.
- Shared Strategy for Puget Sound (SSPS). 2007. Puget Sound Salmon Recovery Plan. Submitted by Shared Strategy Development Committee and adopted by National Marine Fisheries Service on January 19, 2007.
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- Pierce County. 2009. Pierce County Park, Recreation and Open Space Plan. Pierce County Department of Parks and Recreation. Prepared by MIG, Portland, OR.
- RH2 Engineering, Inc. 2012. City of Bonney Lake Septic System Abatement Master Plan Project Report. May 2012. Prepared for the City of Bonney Lake.
- Washington Department of Ecology (Ecology). 2006. Lake Tapps (Pierce County) Monitoring, Final Data Report. January 2006. <http://www.ecy.wa.gov/biblio/0603006.html>.
- Washington State Department of Fish and Wildlife, Puyallup Indian Tribe, and Muckleshoot Indian Tribe. 1996. Recovery Plan for White River spring Chinook salmon. Olympia, WA.
- The Watershed Company and Makers. 2010. Final Shoreline Analysis Report for the City of Bonney Lake's Shorelines: Lake Tapps and Fennel Creek. Prepared for the City of Bonney Lake Community Development Department. Bonney Lake, WA.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 14, 2014

The Honorable Neil Johnson
City of Bonney Lake
PO Box 7380
Bonney Lake, WA 98391-0944

**Re: City of Bonney Lake Comprehensive Shoreline Master Program Update –
Conditional Approval, Resolution Number 2297**

Dear Mayor Johnson:

I would like to take this opportunity to commend the city of Bonney Lake (City) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) update. It is obvious that a significant effort was invested in this update. The SMP will provide a framework to guide development and habitat restoration along the City's shorelines.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) has identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Recommended changes are proposed in Attachment C. The findings and conclusions that support Ecology's decision are contained in Attachment A.

Pursuant to RCW 90.58.090 (2)(e), at this point, the City may:

- Agree to the proposed changes (required and/or recommended changes), or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally developed by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guideline requirements.



The Honorable Neil Johnson
August 14, 2014
Page 2

Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology
Attention: Director's Office
PO Box 47600
Olympia, WA 98504-6700

Ecology appreciates the dedicated work that the City Council, City staff (Jason Sullivan), the Planning Commission, and the community have put into the Shoreline Master Program update.

We look forward to concluding the SMP update process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Sarah Lukas, at Sarah.Lukas@ecy.wa.gov/(360) 407-7459.

Sincerely,



Maia D. Bellon
Director

Enclosures (3)

By Certified Mail [7012 1010 0003 3028 3560]

cc: Jason Sullivan, City of Bonney Lake
Paula Ehlers, Ecology
Sarah Lukas, Ecology

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF BONNEY LAKE
SHORELINE MASTER PROGRAM**

SMP Submittal accepted March 26, 2014, Resolution No. 2297
Prepared by Sarah Lukas on August 8, 2014

Brief Description of Proposed Amendment:

The City of Bonney Lake has submitted to Ecology for approval, a comprehensive update to their Shoreline Master Program (SMP) to comply with Shoreline Management Act (SMA) and SMP Guidelines requirements. The updated master program submittal contains City of Bonney Lake Resolution No 2297, an intent to adopt Draft Ordinance D13-56 that contains locally tailored shoreline management regulations to be codified as City Code Chapter 16.34 and updated critical area code regulations from Bonney Lake Municipal Code Chapter 16 and the following: a findings of facts and conclusions on the comprehensive update process; an updated Shoreline Environment Designation Map; Chapter 13 of the Comprehensive Plan that contains draft policies and goals; and, a finalized Restoration Plan. Additional reports and supporting information and analyses noted below, are included in the submittal.

FINDINGS OF FACT

Need for amendment. The proposed amendment is needed to comply with the statutory deadline for a comprehensive update of the City's local Shoreline Master Program pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 and 27. The original City SMP was approved by Ecology in August 1975 and was last amended in May 1988. This SMP update is also needed to address land use changes that have occurred along the City's shorelines over the past 26 years.

The area of shoreline jurisdiction regulated under the city's SMP has changed. The new SMP now regulates approximately 1,290 linear feet of Fennel Creek below Victor Falls. This part of the Creek is not contiguous with the rest of the city and is completely surrounded by unincorporated Pierce County. The regulated area of Lake Tapps, a Shoreline of Statewide Significance, has also changed. The White River Flume once considered part of the Lake Tapps shoreline, located on the Southeast shoreline of Lake Tapps, has been removed from shoreline jurisdiction.

Amendment History, Review Process: The city indicates the proposed SMP amendments originated from a local planning process that began in August 2009. As part of the Public Participation Plan the City formed a Citizen's Advisory Committee (CAC) to provide organized input and recommendations for the Planning Commission and City Council. Recruitment for the CAC was posted on both January 11, 2010 and on February 4, 2010 in several local public spaces including Bonney Lake City Hall, the City Hall Annex, the Bonney Lake Public Library, the Tacoma News Tribune, the Puyallup Herald Newspaper, and the Bonney Lake webpage bulletin board. A total of five meetings were held between April 2010 and February 2011. The CAC reviewed and provided recommendations on several aspects of the SMP including Shoreline Environment Designations, Docks and Floats, Shoreline Stabilization, and Residential Development.

The record shows that a workshop on the update open to the public was held on October 18, 2010. A hearing in front of the Planning Commission was held on October 16, 2013. Affidavits of publication provided by the City indicate notice of the hearing was published on September 18, 2013 in the

Enumclaw Courier-Herald Weekly Newspaper, as well as sent to interested parties and all shoreline property owners in the city.

With passage of Resolution #2297, on January 28, 2014, the City authorized staff to forward the proposed amendments to Ecology for approval.

The proposed SMP amendments were received by Ecology for state review on February 26, 2014 and verified as complete on March 26, 2014. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on April 28, 2014, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on May 8 and continued through June 9, 2014. Ecology did not hold a public hearing on the proposed amendment. A total number of two comment letters were submitted to Ecology during the public comment period. Ecology sent all comments it received to the City on June 10, 2014. On June 24, 2014, the City submitted to Ecology its responses to issues raised during the state comment period, see Attachment D. Ecology's own responses to issues raised during the comment period are reflected in the recommended changes, see Attachment C.

Consistency with Chapter 90.58 RCW: The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

Consistency with "applicable guidelines" (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of a SMP Submittal Checklist, which was completed by the City.

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on September 13, 2013. Notice of the SEPA determination was published in the Enumclaw Courier-Herald on September 18, 2013. Ecology did not comment on the DNS.

Other Studies or Analyses supporting the SMP update: Ecology also reviewed the following reports, studies, map portfolios and data prepared for the City in support of the SMP amendment:

These supporting documents include:

- *a November, 2009 Public Participation Plan;*
- *a June, 2010 Shoreline Inventory and Analysis Report;*
- *a January 2013 Shoreline Analysis Report Supplement;*
- *an Environmental Designation Justification;*
- *a December 2013 Cumulative Impacts Analysis;*
- *a December 2013 No Net Loss Report; and*
- *a November 2013 Restoration Plan.*

Summary of Issues Raised During The Public Review Process:

The City's SMP amendment identified complex issues related to shoreline jurisdiction. Areas of the Bonney Lake and Pierce County shoreline were removed from shoreline jurisdiction related to the water conveyance system that is the primary source of hydrology of Lake Tapps called the White River Flume. The White River Flume is an eight mile man made water conveyance system originating at the White River in Buckley, WA. Historically, areas of the flume that fell within the Ordinary High Water Mark of Lake Tapps were regulated as part of the Lake Tapps shoreline. However, after several discussions with the city and Cascade Water Alliance (property owner), and site visits; the terminus of the White River Flume was determined and areas upstream of the terminus were excluded from jurisdiction. The result of this change is illustrated in the proposed Shoreline Environmental Designation Maps submitted by the city for approval as part of this SMP.

Summary of Issues Identified by Ecology as Relevant To Its Decision:

The following required changes are necessary for consistency with the Shoreline Management Act and applicable Washington Administrative Code as cited below.

The submittal does not contain policies for the Aquatic shoreline environment designation (SED). The addition of policies within the 'Shoreline Element,' Chapter 13 of the Bonney Lake Comprehensive Plan are necessary for consistency with WAC 173-26-211(4)(a)(iii).

An internal conflict exists between the allowed intrusions into the setback and prohibited uses for the Natural (SED). Several allowed intrusions into the setback area are also prohibited in the Natural SED. A change is necessary to alleviate an internal inconsistency within the SMP and clarify what uses can be allowed in the Natural SED. The removed language identifies several allowed intrusions into the setback that are inconsistent with Use and Modification Table found in BLMC16.50.020. The additional text specifies the appropriate allowed uses consistent with the Use and Modification Matrix, as allowed intrusions into the setback.

The proposed non-conforming use provisions require a shoreline substantial development permit for proposals to expand legally existing single-family residences not meeting the current shoreline setback requirements in the SMP. In most cases, such proposals will be exempt from the substantial development permit process under 90.58.030(3)(e) RCW and WAC 173-27-040(2)(g), when it meets the conditions of the exemption, making this a conflict with the applicable administrative code. This change removes the requirement for the substantial development permit leaving it to approval by the city which will either be a substantial development permit or a shoreline exemption that the city can condition.

Four incorrect citations were identified in the wetlands section of the Critical Areas Ordinance, these changes are necessary for consistency with WAC 173-26-221(2)(c)(i), a requirement to use Ecology's guidance for wetlands.

Along with the above required changes necessary to be consistent with the state law, the following changes are recommended and found in Attachment C.

The proposed SMP requires a shoreline conditional use permit to develop trails in the Natural shoreline environment designation (SED). This area within the City of Bonney Lake is completely owned by the city and would be providing public access to the shoreline through the adjacent public park lands. Ecology recommends allowing trails for public access with a substantial development permit to implement the policy found in 90.58.020(5) RCW, "Increase public access to publicly owned areas of the shoreline."

There is an existing municipal well facility along with associated utility infrastructure located in the Natural SED. The submitted SMP prohibits utilities and is silent on the allowance of well facilities in the Natural SED, this prohibition is consistent with the provisions found in WAC 173-26-211(5)(a)(ii). However, Ecology recommends allowing such facilities and the associated transmission lines with a conditional use permit. This allowance will remove a conflict with the existing well and the regulations, and avoid creating a non-conforming use for the city's municipal water supply. This change is reflected in the use matrix, found in BLMC 16.50.0202.

In comments received by the Department of Archaeology and Historic Places (DAHP), DAHP identified the general regulations concerning Archaeological and Historic Resources incorrectly identified DAHP as the State Office of Archaeology and Historic Places. Ecology recommends the city resolve this inconsistency by changing the title of DAHP in the SMP.

The submitted SMP contains regulations for fill that are more restrictive than required in WAC 173-26-231(3)(c). The Guidelines distinguish between regulations below the Ordinary High Water Mark (OHWM), and on lands above the OHWM. Ecology recommends distinguishing the placement of fill in the water compared to fill placed on land above the OHWM consistent with the associated administrative code. This change will avoid conflicts with future proposed development of areas on land where the placement of fill can be common practice, and necessary for the allowed uses of the SMP.

The proposed dock provisions contain contradictory language for the placement of utility lines running underneath docks. Ecology recommends clarifying that lines need to be placed above the water when below the OHWM.

The submitted SMP contains the requirement for a substantial development permit to expand an existing single-family residence that does not conform to the current setback requirements. As identified in the required changes section above, in most cases a single family residence is exempt from a substantial development permit when it meets the conditions found in 90.58.030(3)(e) RCW and WAC 173-27-040(2)(g), so the permit requirement conflicts with the exemption. The city requested the ability to require a conditional use permit for such expansions, which would provide the city with a higher review standard over the review and approval process for such proposals.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City's proposed comprehensive SMP update, subject to and including Ecology's required changes (itemized in Attachment B), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that approval of the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c)).

Ecology also concludes that a separate set of recommended changes to the submittal (identified during the review process and itemized in Attachment C) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required, but can, if accepted by the City, be included in Ecology's approved SMP amendments.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's comprehensive SMP update submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that the City has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas of critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending

beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the SMP, are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules, once required changes set forth in Attachment B are approved by the City. Ecology approval of the proposed amendments with required changes is effective 14 days from Ecology's final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final. Approval of the updated SMP and proposed alternatives is effective 14 days from Ecology's final action approving the alternatives.

Attachment B:

Ecology Required Changes for the City of Bonney Lake

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1		The Aquatic Environment Designation	<p><u>Policy SL 1.1 Areas designated Aquatic ("A") shall be all areas waterward of the ordinary high-water mark. Within these areas, only water depended uses should be allowed in order to protect, restore, and manage the unique characteristics and resources of the aquatic environment. The following management policies should be implemented though the development regulations adopted by the City for these areas:</u></p> <ul style="list-style-type: none"> • <u>Allow new over-water structures only for water-dependent uses, public access, and/or ecological restoration.</u> • <u>The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.</u> • <u>In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.</u> • <u>All developments and uses on navigable waters should be located and designed to minimize interference with surface navigation and to consider impacts to public views.</u> 	The SMP Submittal did not include Aquatic shoreline environment designation policies the addition of these policies are necessary for consistency with WAC 173-26-211(4)(a)(iii).

			<ul style="list-style-type: none"> • <u>Uses that adversely impact the ecological functions should not be allowed except where necessary and then only when impacts are mitigated to assure no net loss of ecological functions.</u> • <u>Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.</u> • <u>Shoreline areas should be reserved for shoreline preferred use and development of the shoreline should consider upland and in-water uses, water quality, navigation, presence of aquatic vegetation, existing residential uses, critical habitats, aesthetics, public access and views.</u> 	
2	16.46.030(C), Page 25	The Natural Environment Designation	<p>Minimum Shoreline Setback:</p> <ol style="list-style-type: none"> 1. All structures and developments shall be setback a minimum of 200 feet from the OHWM. <u>except as provided in BLMC 16.56.100(8).</u> 2. No development is allowed within the setback areas established in this section ; except as provided in BLMC 16.56.100 	This change is necessary to alleviate an internal inconsistency within the SMP, 16.46.030(C)(1) and 16.46.030(C)(2); The additional language specifies which intrusions cited found in 16.56.100 are appropriate in the Natural SED.
3	16.56.150 (B), page 63	Non-Conforming Uses and Developments	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.	The city cannot require a substantial development permit for the development of a single-family residence that meets the conditions of the exemption found in 90.58.030(3)(e)(vi) RCW and WAC 173-27-040(3)(g). The city has requested that this provision be changed to require a conditional use permit (see attachment C, recommended changes), but Ecology cannot require this change.

4	16.22.010, page 77	Wetlands	Wetlands are those areas, designated in accordance with the <u>1987 Corps of Engineers Wetlands Delineation Manual and the 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) or as revised.</u>	The additional language specifies the current approved federal wetland delineation manual and applicable regional supplements technical documents, consistent with WAC 173-22-035.
5	16.22.050(A), page 80	Wetlands	Mitigation for alterations to wetlands may be <u>satisfied</u> by restoring former wetlands, creating wetlands, or enhancing degraded wetlands, consistent with the <u>“Department of Ecology Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals, (2004),” as revised. “Wetland Mitigation in Washington State Parts 1 and 2” (2006) or as revised.</u>	The corrections reference current Ecology technical guidance documents, consistent with WAC 173-26-221(2)(c)(i).
6	16.22.050(E), page 81	Wetlands	Mitigation projects shall be designed utilizing Washington State Department of Ecology Publication #06-06-011a: <u>Wetland Mitigation in Washington State – Part 1 and 2: Agency Policies and Guidance – Version 4 (2006) or as revised.</u>	The corrections reference current Ecology technical guidance documents, consistent with WAC 173-26-221(2)(c)(i).
	16.22.050(F), page 81	Wetlands	Compensatory 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); Or, the mitigation ratios found in Wetland Mitigation in Washington State Parts 1 and 2 (2006) as revised. 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 DE.	The corrections reference current Ecology technical guidance documents, consistent with WAC 173-26-221(2)(c)(i).

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Attachment C:

Ecology Recommended Changes for the City of Bonney Lake

The following changes are recommended to clarify elements of the City's updated SMP

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions; italics= required changes in attachment B)	RATIONALE																																																																		
1	16.46.030, page 23	The Natural Environment Designation	<p>Minimum Shoreline Setback:</p> <p>1. All structures and developments shall be setback a minimum of 200 feet from the OHWM- <i>except as provided in BLMC 16.56.100(8) and (9).</i></p>	This addition of allowing municipal well facilities was requested by the city to accommodate the existing municipal well facility located within shoreline jurisdiction adjacent to Fennel Creek.																																																																		
2	16.50.020, page 25	Use Matrix	<table border="1"> <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 colspan="6" style="text-align: center;">Resource Land Uses</td> </tr> <tr> <td>Agriculture</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> </tr> <tr> <td>Aquaculture</td> <td>X</td> <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 colspan="6" style="text-align: center;">Commercial Uses and Development</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 colspan="6" style="text-align: center;">Industrial Uses and Development</td> </tr> <tr> <td>Water oriented uses</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> </tr> </tbody> </table>	Shoreline Uses	Residential – Low Density	Residential- High Density	Park	Natural	Aquatic	Resource Land Uses						Agriculture	X	X	X	X	X	Aquaculture	X	X	X	X	X	Forest Practices	X	X	X	X	X	Mining	X	X	X	X	X	Commercial Uses and Development						Water oriented uses	X	X	X	X	X	Non-water oriented uses	X	X	X	X	X	Industrial Uses and Development						Water oriented uses	X	X	X	X	X	<p>Changes to the use matrix include the following:</p> <p>A change to the permit requirements of trails within the Natural environmental designation from a conditional use permit to a substantial development permit. The area designated natural is owned entirely by the city, and is a public shoreline. This change will assist in the implementation of planned public access trails on Fennel Creek which</p>
Shoreline Uses	Residential – Low Density	Residential- High Density	Park	Natural	Aquatic																																																																	
Resource Land Uses																																																																						
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			Non-water oriented uses	X	X	X	X	X	<p>further the public access principles found in WAC 173-26-221(4)(b).</p> <p>The addition of municipal well facilities to the utilities section as a conditional use permit in the Natural Environment Designation. There is an existing municipal well within shoreline jurisdiction along Fennel Creek. The allowance of such facilities will accommodate the existing well. The requirement of a conditional use permit for these facilities is a compromise between permitting such structures to a higher standard and the strict prohibition of utility corridors in the Natural environment designation found in WAC 173-26-211(5)(a)(ii)(B).</p>
			Recreational Uses and Development						
			Docks and Piers	P	P	P	X	X	
			Parks or Picnic Areas	P	P	P	X	X	
			Trails or Walk-ways	P	P	P	GP	X	
			High intensity recreational activities	X	X	P	X	X	
			Transportation and Parking Facilities						
			Causeways	P	X	X	X	X	
			Roadways	P	P	P	X	X	
			Railroads	X	X	X	X	X	
			Parking Facilities- primary	X	X	X	X	X	
			Parking Facilities- accessory	Same as the primary use it supports				X	
			Residential Uses and Development						
			Single Family Dwelling	P	X	X	X	X	
			Accessory Dwelling Units	P	X	X	X	X	
			Duplex	P	P	X	X	X	
			Multifamily Dwelling	X	P	X	X	X	
			Subdivisions and Short Plats	P	P	X	X	X	
			Live-aboard vessels	X	X	X	X	X	
			Boating Uses and Facilities						
			Docks and Piers	P	P	P	X	See Adjacent upland SED	
			Boating Ramps	X	X	P	X		
			Covered Moorages	X	X	X	X		
			Boat Houses	X	X	X	X		
			Temporary Moorage ¹	P	P	P	X		
			Marinas	X	X	X	X		
			Launching Rails	X	X	X	X		
			Utilities						
			Water System Treatment Plants	X	X	X	X	X	
			Sewage Treatment Plants	X	X	X	X	X	
			Electrical Generation Plants	X	X	X	X	X	
			Electrical Stations	X	X	X	X	X	

			<table border="1"> <tr> <td>Solid Waste Disposal Facilities</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> </tr> <tr> <td>Accessory Utilities</td> <td colspan="5">Same as the primary use it supports</td> </tr> <tr> <td>Utility Transmission Facilities</td> <td>P</td> <td>P</td> <td>P</td> <td>C</td> <td>X</td> </tr> <tr> <td>Personal Wireless Facilities</td> <td>C</td> <td>C</td> <td>C</td> <td>X</td> <td>X</td> </tr> <tr> <td>Radio Towers</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> </tr> <tr> <td>Municipal Well Facilities</td> <td>X</td> <td>X</td> <td>X</td> <td>C</td> <td>X</td> </tr> </table>	Solid Waste Disposal Facilities	X	X	X	X	X	Accessory Utilities	Same as the primary use it supports					Utility Transmission Facilities	P	P	P	C	X	Personal Wireless Facilities	C	C	C	X	X	Radio Towers	X	X	X	X	X	Municipal Well Facilities	X	X	X	C	X	
Solid Waste Disposal Facilities	X	X	X	X	X																																			
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3	16.56.030, page 48	Archaeological and Historic Resources	<p>A. Development in areas documented by the Washington State Office <u>Department</u> of Archaeology and Historic Preservation or identify by affected Tribes to contain archaeological resources shall comply with the following:</p> <ol style="list-style-type: none"> 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 <u>Department</u> 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 <u>Department</u> 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. <p>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 <u>Department</u> 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.</p>	The correction to the title of the State Department of Archaeology and Historic Places (DAHP) was requested in comments from DAHP staff during the state public comment period.																																				

4	16.54.040, page 42	Fill	<p>A. Fills <u>located waterward of the OHWM</u> allowed pursuant to the use and modification table in BLMC 16.50.020 shall be <u>demonstrated</u> necessary to support a:</p> <ol style="list-style-type: none"> 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. <p>B. Fills <u>located landward of the OHWM</u> allowed pursuant to the use and modification table in BLMC 16.50.020 shall only be allowed in support of a <u>permitted use or development</u>.</p>	The addition of the language distinguishes the placement of fill in and out of the water. The proposed SMP contained one standard for both areas which unintentionally restricted the placement of fill for allowed uses and development on dry land within shoreline jurisdiction.
5	16.54.030(I)(1) page 39	Docks	<p>All piers and docks shall comply with all of the following design standards:</p> <ol style="list-style-type: none"> 1. All utility and service lines located waterward of the OHWM must be <u>located below the pier or dock deck and above the OHWM waterline</u>. 	This change in terms clarifies the placement of utility lines when they are waterward of the OHWM.
6	16.56.100(A), page 57	Intrusions into the setback	<p><u>9. Utility transmission lines and municipal well facilities are subject to the requirements in BLMC 16.52.070 and BLMC 16.56.110 where no other feasible location exists. Such structures shall be placed as far from the OHWM as feasible.</u></p>	This change was requested by the city to accommodate the existing municipal well located in this area adjacent to Fennel Creek. Non-water-dependent utilities should not be located in shoreline jurisdiction when feasible according to WAC 173-26-241(3)(I), and the Natural environment designation

				provisions found in WAC 173-26-211(5)(a)(ii)(B) identify that utility corridors should be prohibited.
7	16.56.140(B), page 63	Nonconforming Development	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 Conditional Use 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.	In most cases this expansion will be exempt from substantial development permitting per 90.58.030(3)(e)(vi) RCW. Requiring a conditional use permit for the expansion of an existing single-family residence ensures the city has the ability to condition the expansion to the standards in the SMP. The city has identified the Conditional Use Permit as the vehicle appropriate for the city to ensure compliance with the SMP.
8	Section 25 – 33, pages 84 - 89.	Critical Areas Ordinance Administrative Provisions	Remove Section 25 thru Section 34. See Exhibit 1 to Attachment C for strike through changes.	The removal of this language was requested by the city. These sections of the critical areas ordinance include administrative procedures for permitting that do not pertain to the Guideline requirements of the SMP.
9	16.54.030(I)(4), page 39	Docks	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%)	The removal of this language was requested by the city. Waterways entering Lake Tapps exclude all native fish species (salmonids. Scientific justification for removal of this

				<p>requirement can be found in <i>Over-Water Structures: Freshwater Issues</i> (Carrasquero, 2001). Further the addition of shading increases both feeding and spawning habitat for large and small mouth bass <i>Over-Water Structures: Freshwater Issues</i> (Carrasquero, 2001), which Lake Tapps is stocked with for recreational fishing by WDFW.</p>
10	Ordinance D13-56, Chapter 13: Shoreline Element, Table of Contents, page i	Table of Contents	<p style="text-align: center;">CHAPTER 13: Shoreline Element Tables of Contents</p> <p>1. INTRODUCTION.....11</p> <p> 1.1 Statutory Framework.....1</p> <p> 1.2 Vision.....1</p> <p> 1.3 Organization.....2</p> <p> 1.4 Lake Tapps Reservoir.....2</p> <p> 1.5 Fennel Creek.....5</p> <p>2. SHORELINE ENVIRONMENT DESIGNATIONS (SED).....6</p> <p>3. GENERAL SHORELINE POLICIES.....8</p> <p> 3.1 Public Access.....8</p> <p> 3.2 Critical Areas.....9</p> <p> 3.3 Water Quality and Water Quantity.....10</p> <p> 3.4 Shoreline Vegetation Conservation.....11</p> <p> 3.5 Archaeological, Historic and Cultural Resources.....13</p> <p>4. SHORELINE USES AND DEVELOPMENT.....13</p> <p> 4.1 General.....13</p> <p> 4.2 Residential.....14</p> <p> 4.3 Recreation.....15</p>	<p>The removal of the chapter number and table of contents was requested by the city to accommodate administrative changes to the comprehensive plan currently being implemented.</p>

			4.4-Boating-Facilities.....17
			4.5-Over-Water-Structures.....18
			4.6-In-Stream-Structures.....19
			4.7-Transportation-Facilities.....19
			4.8-Utilities.....20
			5—SHORELINE MODIFICATIONS.....21
			5.1-General.....21
			5.2-Shoreline-Stabilization.....21
			5.3-Filling.....22
			5.4-Clearing-and-Grading.....23
			5.5-Dredging.....23
			5.6-Shoreline-Restoration-and-Ecological-Enhancement.....23
			6—SHORELINES OF STATEWIDE SIGNIFICANCE.....24

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Attachment C, Exhibit 1- City of Bonney Lake SMP

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):

	Type					
	1	2	3	4	5	6
Regulatory reform applies; that is, per RCW 36.70B.140, the city must issue a determination of completeness, ect.		x	x	x	x	x
Non-SEPA exempt (SEPA threshold determination required)			x	x	x	x
Public hearing required				x	x	x
City council decision after recommendation from hearing examiner (preliminary plats, site specific rezones) or planning commission (code or comprehensive plan amendments)						x

The above table, applied to permits issued pursuant to the Bonney Lake development code, results in the following list of permits by type:

	Type					
	1	2	3	4	5	6
Accessory dwelling units (ADU) permits	X					
Administrative wireless communication facility (WCF) permits	X					
Boundary line adjustment	X					
Building permits, SEPA exempt	X					
Land clearing permits	X					
Lot combinations	X					
Sensitive area permits, SEPA exempt	X					
Sign permits	X					
Sign variances	X					
Temporary permits	X					
Short plats, SEPA exempt		X				
Final plats		X				
Building permits, non-SEPA exempt			X			
Sensitive area permits, non-SEPA exempt			X			
Shoreline letters of exemption	X		X			
Short plats, non-SEPA exempt			X			
Site plan approvals			X			
Conditional use permits, SEPA exempt				X		
Variances				X		
Critical area variances					X	
Shoreline substantial development permits and variances			X		X	
Preliminary plats						X
Site specific zoning reclassification not processed concurrently with a comprehensive plan amendment.						X

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:

1. Building permits, SEPA exempt	The pertinent building code
2. Temporary permits	Chapter 14.100 BLMC
3. Sign permits	BLMC 15.28.050 — 15.28.060
4. Sign variances	BLMC 15.28.260

5. Land clearing permits	BLMC 16.12.030
6. Sensitive area permits	BLMC 16.20.060
7. Boundary line adjustments	BLMC 17.56.010
8. Lot combinations	BLMC 17.56.020
9. Administrative WCF permits	BLMC 18.50.009(B) & 18.50.013
10. ADU permits	BLMC 18.22.090(B)
11. Shoreline Letters of Exemption	BLMC 16.58.020

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 90.58.180 BLMC 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 90.58.180 BLMC 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"~~

City of Bonney Lake, Washington
City Council Agenda Bill (AB)

Department/Staff Contact: Community Development/ Jason Sullivan – Senior Planner	Meeting/Workshop Date: September 23, 2014	Agenda Bill Number: AB14-104
Agenda Item Type: Ordinance	Ordinance/Resolution Number: D14-104	Councilmember Sponsor: Councilmember Lewis

Agenda Subject: Bonney Lake Shoreline Master Program

Full Title/Motion: An Ordinance of the City Council of the City of Bonney Lake, Pierce County, Washington, adopting the Shoreline Master Program for the City of Bonney Lake by adopting the official Shoreline Environmental Designation Map; Adding a new Chapter to the Bonney Lake Comprehensive Plan Entitled “Shoreline Element”; adding Article III to Title 16 of the Bonney Lake Municipal Code consisting of thirteen chapters entitled “Shoreline Code”; amending Chapters 16.20 And 16.22 of the Bonney Lake Municipal Code related to the regulations of wetlands, and Section 16.30.050 related to The regulation of stream buffers; and repealing Chapter 16.08 of the Bonney Lake Municipal Code and Section 16.20.160.

Administrative Recommendation:

Background Summary:

On January 28, 2014 the City Council passed Resolution 2297 stating the City Council’s intent to adopted Ordinance D13-56, which would repeal the City's 1974 Shoreline Management Master Plan and adopt a new Shoreline Master Program (SMP). The adoption of the new SMP was require to comply with the requirements of the Shoreline Management Act (Chapter 90.58 RCW) and the guidelines adopted by the Department of Ecology (DOE) in Chapters 173-26 and 173-27 WAC.

Resolution 2297 directed the Community Development Director to submit a copy of the updated Bonney Lake SMP, along with all other required materials, to DOE. A complete submittal packet was provide to DOE on February 24, 2014, which was officially deemed complete by DOE on March 26, 2014. DOE conducted its public comment period from May 8, 2014 to June 9, 2014. DOE has now completed its review of the City’s SMP and issued its findings conditionally approving the City's SMP, on August 14, 2014, subject to making a number of required changes to the draft SMP. DOE's conditional approval also included a list of recommended changes that the City could choose to make to the draft SMP.

At the City Council workshop on September 16, 2014 the City Council directed staff to incorporate all of the required changes and recommended changes identified as 1 - 6 and 8 - 10 in DOE's August 14th Letter - Attachment C.

The ordinance that originally adopted the SMP was Ordinance D13-56, but is now Ordinance D14-104. The change in the ordinance number was due in part to the removal of Sections 25- 33 of Ordinance D13-56, which are now included in Ordinance D14-128. The removal of these sections was one of the recommend changes made by DOE and accepted by the City Council.

The amendments, now contained in Ordinance D14-128, are required to implement that SMP, but are not exclusively related to the regulation of development in the shoreline. If the City would have left the amendments in the main SMP ordinance, DOE would have considered the sections part of the SMP and required an SMP amendment when the City proposed to amend those sections of the code; even in cases were the amendment had nothing to do with the regulation of the shoreline.

Attachments: Ordinance D14-104 and DOE's Conditional Approval Letter dated August 14, 2014

BUDGET INFORMATION

Budget Amount

Current Balance

Required Expenditure

Budget Balance

Budget Explanation:

COMMITTEE, BOARD & COMMISSION REVIEW

Council Committee Review:

Date:

Approvals:

Chair/Councilmember

Councilmember

Councilmember

Yes No

Forward to:

Consent Agenda: Yes No

Commission/Board Review: Planning Commission

Hearing Examiner Review:

COUNCIL ACTION

Workshop Date(s): December 3, 2013
January 21, 2014, and
September 16, 2014

Public Hearing Date(s):

Meeting Date(s): January, 28 2014
September 23, 2014

Tabled to Date:

APPROVALS

Director:
John P. Vodopich, AICP

Mayor:

**Date Reviewed
by City Attorney:**
(if applicable):