

ORDINANCE NO. D19-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING CHAPTERS 16.36, 16.38, 16.40, 16.42, 16.44, 16.46, 16.48, 16.50, 16.52, 16.54, 16.56 AND 16.58 AND THE CORRESPONDING PORTIONS OF ORDINANCE NUMBERS 1491 AND 1523 RELATED TO THE CITY'S CRITICAL AREAS REGULATION.

WHEREAS, the foundation for shoreline management in Washington state 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, pursuant to WAC 173-26-090 and RCW 90.58.080(4)(b)(i) the City is required to undertake and complete a periodic review and update of the adopted SMP to be completed by June 30, 2019; and

WHEREAS, RCW 36.70A.480(1) 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 a part of a jurisdiction's development regulations; and

WHEREAS, as part of the 2018 – 2019 Planning Work Plan, the City Council directed staff to review and revise the City's Shoreline Master Program Regulations codified in Title 16 Division III in the Bonney Lake Municipal Code; and

WHEREAS, the Public Services Director acting as the SEPA Responsible Official issued a Determination of Non-Significance on September 16, 2013 related to the comprehensive Shoreline Master Program update and adopted that Determination related to this periodic update on 04/22/2019; and

WHEREAS, the Planning Commission plans to hold a public hearing on August 7, 2019 as required by BLMC 14.10.090.C and _____ recommends _____ that the City Council _____ accept _____ the amendments contained in this ordinance; and

WHEREAS, pursuant to RCW 36.70A.106(3)(b) the City requested review of this Ordinance from the Department of Commerce. The Department of Commerce review period concluded on June 21, 2019;

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 amendments contained in this ordinance.

Section 2. Comprehensive Plan Chapter. The City Council hereby adopts a revised chapter of the Bonney Lake comprehensive plan, *Bonney Lake 2035*, entitled “Shoreline Element” and included as Attachment “C,” attached hereto and incorporated by this reference.

Section 3. Chapter 16.36.040 of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1491 § 5 is amended to read as follows:

Chapter 16.36.040 “A”

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

Section 4. Shoreline code definitions. Chapter 16.36.050 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

Chapter 16.36.050 “B”

“Boat House” means a structure ~~over the water or directly~~ landward of the OHWM designed for the storage of boats or water-related recreational equipment, 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.

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

Section 5. Shoreline code definitions. Chapter 16.36.060 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 and Ordinance 1523 § 9 is amended to read as follows:

Chapter 16.36.060 “C”

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

“Covered moorage” means boat moorage waterward of the OHWM, with or without walls, that has a rigid 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), and 1615 (2019).

Section 6. Shoreline code definitions. Chapter 16.36.070 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

Chapter 16.36.070 “D”

“Detached dwelling” means a dwelling unit that is not attached or physically connected to any other dwelling unit (other than an Accessory Dwelling Unit) or other use, is located on a single lot, and provides permanent provisions for cooking, eating, sanitation, and sleeping.

“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.~~

“Duplex” means a single structure containing two ~~unit~~ separate dwelling units, located on a ~~singular~~ single lot providing permanent provisions for cooking, eating, sanitation, and sleeping, where neither unit is an Accessory Dwelling Unit.

“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.~~

Section 7. Shoreline code definitions. Chapter 16.36.080 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

Chapter 16.36.080 “E”

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

Section 8. Shoreline code definitions. Chapter 16.36.090 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

Chapter 16.36.090 “F”

“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.

Section 9. Shoreline code definitions. Chapter 16.36.100 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

Chapter 16.36.100 “G”

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

Section 10. Shoreline code definitions. Chapter 16.36.120 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

Chapter 16.36.120 “I”

~~“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.~~

Section 11. Shoreline code definitions. Chapter 16.36.150 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

Chapter 16.36.150 “L”

“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. To be considered Low Impact Development, ~~the~~ development shall meet at least 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.

Section 12. Shoreline code definitions. Chapter 16.36.160 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

Chapter 16.36.160 “M”

“Multifamily residence” means a building containing three or more dwelling units providing permanent provisions for cooking, eating, sanitation, sleeping and separate entry within each unit.

Section 13. Shoreline code definitions. Chapter 16.36.170 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

Chapter 16.36.170 “N”

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

“Nonconforming development” means a shoreline structure or non-structural site modification which was ~~lawfully constructed or established~~ prior to the effective date of the current SMP issued a shoreline conditional use permit or shoreline variance, 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.

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

1. 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
2. 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.

~~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.~~

Section 14. Shoreline code definitions. Chapter 16.36.190 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

Chapter 16.36.190 “P”

“Pervious surface” 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

Section 15. Shoreline code definitions. Chapter 16.36.210 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

Chapter 16.36.210 “R”

“Residential uses” means living within single-family residence, detached houses, accessory dwelling units, duplexes and/or multifamily residences.

Section 16. Shoreline code definitions. Chapter 16.36.220 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

Chapter 16.36.220 “S”

“Setback” means open space unoccupied and unobstructed from the ground upward measured from an established property line or point of reference (like the OHWM).

“Shoreline administrator” means the city of Bonney Lake ~~community development director~~ Public Services Director or designee charged with the responsibility of administering the SMP.

“Shoreline setback” means the distance measured in feet on a horizontal plane that a structure or improvement must be located landward as measured 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~~ four-and-a-half (4.5) inches in diameter measured at four and one-half 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, and sleeping.~~

“Skirting” means vertical boards along the edge of a pier or dock extending downward.

Section 17. Chapter 16.38.010.A of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended 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 Ordinance No. xxxxxx and adopted ~~September 23, 2014~~ **DATE OF ADOPTION**, constitutes the shoreline environment designation (SED) map for the city of Bonney Lake. The map referenced herein supersedes all previously adopted maps.

Section 18. Chapter 16.40 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

16.40.010 Purpose

The purpose of the Shoreline Residential SED is to accommodate ~~single-family neighborhood-scale residential development uses and appurtenant~~ commonly-associated 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 neighborhood-scale~~ neighborhood-scale 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 SED~~ 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 residences, 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. Structures that do not contain a habitable living unit ~~Nonresidential uses~~ shall ~~have~~ be setback a minimum of eighty feet from the OHWM, unless subject to one of the incentives in BLMC 16.56.040.
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 or 16.56.040.

E. Maximum building height: 35 feet from grade.

F. Maximum impervious surface coverage: 40 percent.

Section 19. Chapter 16.42.010 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

16.42.010 Purpose.

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

Section 20. Chapter 16.44.020 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

16.44.020 Designation Criteria.

The Park SED shall be assigned to areas that are suitable for water-oriented recreation uses, appropriate and planned to be utilized for as parks, and where shared access to the shoreline is provided. ~~and suitable for water-oriented recreational uses.~~

Section 21. Chapter 16.44.030.C of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

16.44.030.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 unless allowed pursuant to BLMC 16.56.040.
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 or BLMC 16.56.040.

Section 22. Chapter 16.46.010 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

16.46.010 Purpose.

The purpose of the natural SED is to protect areas that are ecologically characterized by undeveloped, natural conditions, and to restore those shoreline areas that are relatively free of human influence or intact or minimally degraded shoreline functions areas intolerant of human use. The natural shoreline environmental designation 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 elsewhere in order to maintain the integrity of the ecological functions and ecosystem-wide processes of the shoreline environment.

Section 23. Chapter 16.46.020 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

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 undeveloped and ecologically intact and, therefore, currently performing an important, irreplaceable function or supporting an 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 area is unable to support new development or uses without significant adverse impacts to ecological functions or risks to human safety.

Section 24. Property Owner Authorization Required. Chapter 16.48.040 is added to Title 16 of the Bonney Lake Municipal Code and shall be entitled “Property Owner Authorization Required” to read as follows:

16.48.040 Property Owner Authorization Required

Any property owner that proposes to undertake development, modifications, or alterations on any areas of the Aquatic SED belonging to Cascade Water Alliance (CWA) shall

provide written verification from CWA authorizing the property owner to undertake such actions, modifications, and/or development(s) on any properties owned by CWA in the form of a license agreement. A copy of the license agreement shall be a required element of any applications filed with the City.

Section 25. Chapter 16.50.030 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

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~~ Enclosed overwater storage buildings
- N. Marinas
- O. Permanent Launching Rails
- ~~P.~~ O. In-Stream Structures
- ~~Q.~~ P. Parking as a principle use

Section 26. Chapter 16.52.010.A of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended 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, all uses and developments shall also comply with the regulations established Chapter 16.54 BLMC – Shoreline Modifications.

Section 27. Chapter 16.52.020 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

16.52.020 Residential Development

- A. Single family residences and associated appurtenances 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 accessoryies or appurtenances to residential development that are identified as separate ~~a~~ shoreline uses 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~~ All residential structures 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 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.

Section 28. Chapter 16.52.070 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

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 shoreline jurisdiction.
 3. Cross areas of the shoreline jurisdiction by the shortest, most direct route which causes the least negative impact ~~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 result in no net loss of ecological functions.
- G. Utilities that are accessory and incidental to a proposed 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 uses of sites and rights-of-way.
- I. Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, in all situations where 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 29. Chapter 16.54.010.A of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended 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, all use(s) and modifications within the shoreline jurisdiction shall also comply with the regulations established Chapter 16.52 BLMC, ~~Shoreline Uses and Developments.~~ Shoreline Use and Modification Matrix.

Section 30. Chapter 16.54.030 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

16.54.030 Piers and Docks

- A. Only one (1) pier or dock for moorage purposes shall be allowed per ~~single family residence detached dwelling unit~~ consisting of the elements identified in Figure 1 upon demonstrating compliance with the Shoreline Code. No additional pier, dock, or moorage space is allowed related to an Accessory Dwelling Unit.

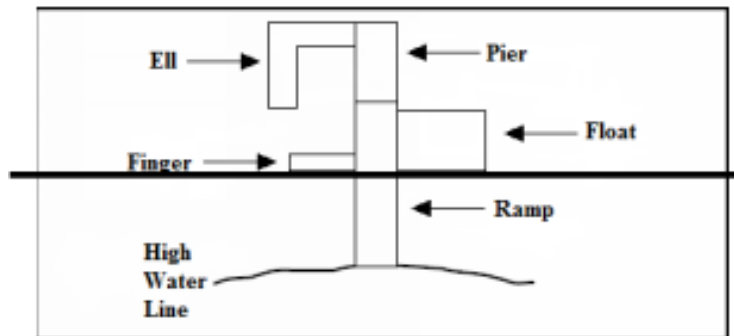


Figure 1: *Diagram of Typical Pier/Dock Elements*

- B. Renting, leasing or selling moorage space associated with a residential use 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~~ detached dwelling unit.
- E. Piers and docks shall be designed, used, 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 measured waterward of OHWM	30 Feet
Minimum distance from docks/piers located on adjacent properties	20 Feet
Minimum distance between piers	12 Feet

- H. The maximum intrusion of the elements of a ~~the pier and/or dock identified in 16.54.030.A~~ 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 from the OHWM or fifteen percent (15%) of the fetch which every is less. The length of the deck shall be measure as illustrated in Figure 2.

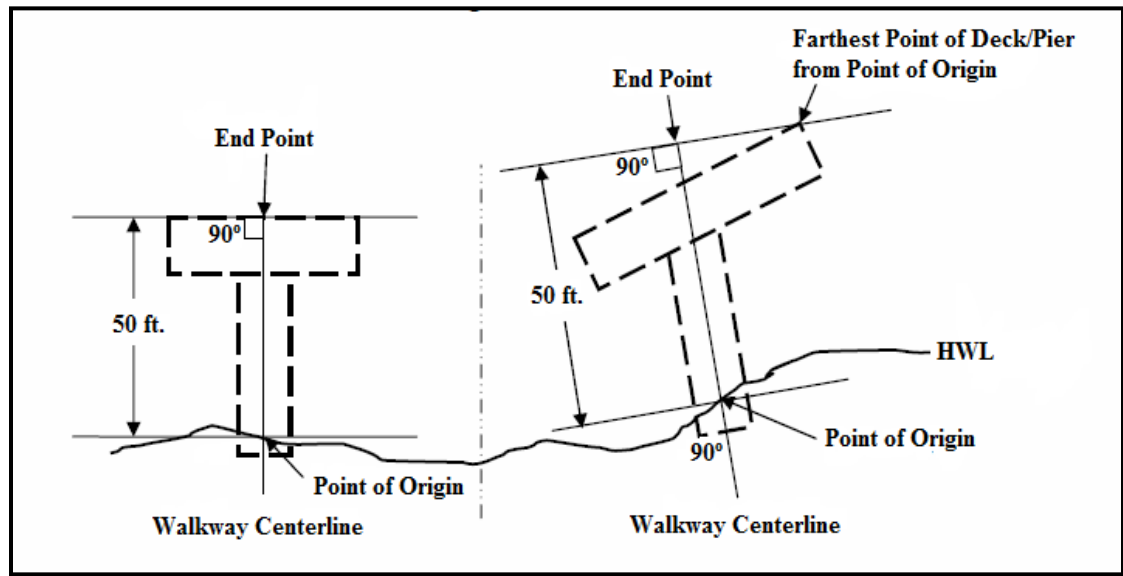


Figure 2: Maximum Length of Overwater Structures

- I. All piers and docks shall comply with all of the following design standards:
1. No part or portion of a pier or dock, nor any accessory to a pier or dock such as a boat lift, shall extend beyond the limit of the shoreline frontage of a lot as determined using the methodology specified in BLMC 16.56.090. The width of a pier and/or dock may not exceed 25% of the length of a property's shoreline frontage or 10 feet, whichever is less.
 2. ~~1.~~ All utility and service lines located waterward of the OHWM must be located below the pier or dock deck and above the waterline.
 3. ~~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.
 4. ~~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.
 5. ~~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, overwater 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.~~
4. 5. New recreational floats and swimming platforms for private properties that do not meet the provisions related to temporary recreational equipment in this section.

K. Temporary ~~inflatable~~ recreational equipment (e.g., floating trampolines or floating swimming platforms) may be permitted from May 1 through September 30. Temporary recreational equipment shall not impede navigation routes on Lake Tapps. No temporary recreational equipment shall be allowed to rest on the shorelands during times of water 'drawdown.'

L. Repair and replacement of existing docks and/or piers that are 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. 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.
4. 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~~ maximum allowed dimensions in BLMC 16.54.030.G and the other requirements of this section.
5. 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 from the elevation at the OHWM.
2. When a single-use dock is converted to a joint-use pier.
3. New additions to existing docks shall not exceed any of the dimensionals limits allowed for new docks.
4. When the addition ~~of an ell or finger~~ will increase safety and usability.
5. When the 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 up to two ~~jet ski~~ accessory personal watercraft lifts per ~~single family residential~~ lot.
2. Residential docks may have one accessory boatlift per ~~single family residential~~ 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 and one-half 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.

Section 31. Chapter 16.54.050.B of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

16.54.050 Clearing and grading.

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 25 feet landward of the OHWM and shall incorporate best management practice measures to prevent erosion;
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, and shall be completely and effectively re-vegetated within six months of the clearing activity.

Section 32. Chapter 16.56.030.A.1 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

16.56.030 Archaeological and historic resources.

A. Development in areas documented by the Washington State Department of Archaeology and Historic Preservation or identified 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.

Section 33. Chapter 16.56.040 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

16.56.040 Shoreline Vegetation Incentives

The City's "Final Shoreline Restoration Plan Component of the Shoreline Master Program for the City of Bonney Lake Shorelines: Lake Tapps and Fennel Creek" concludes that one of the primary opportunities that the City has to improve the water quality in Lake Tapps and improve shoreline ecological conditions in the City generally is to incentivize planting of native vegetation by private property owners in the vegetation conservation areas located in the twenty feet upland from the OHWM adjacent to their properties. This being the case, this section is designed to offer incentives to property owners living in the shoreline jurisdiction in exchange for planting and continued maintenance of native vegetation that, at maturity, will meet the standards found in BLMC 16.56.060.

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.
6. Any portion of the development proposal and/or planting that will involve property owned by Cascade Water Alliance or any other property owner must receive explicit written authorization, a copy of which shall be submitted to the City at the time of the project proponent's submittal of materials for review.

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.

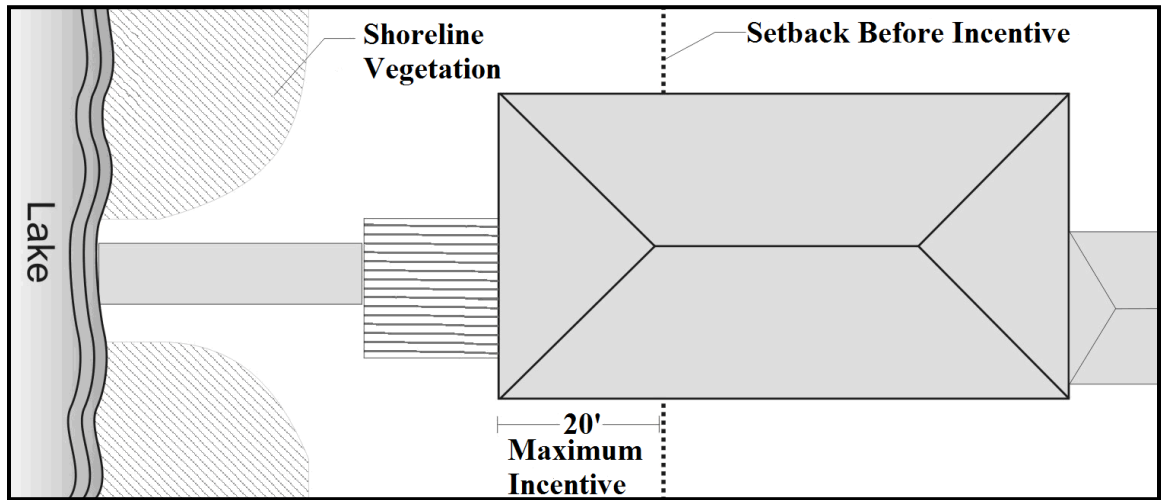


Figure 3: Shoreline Setback bonus for shoreline vegetation.

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

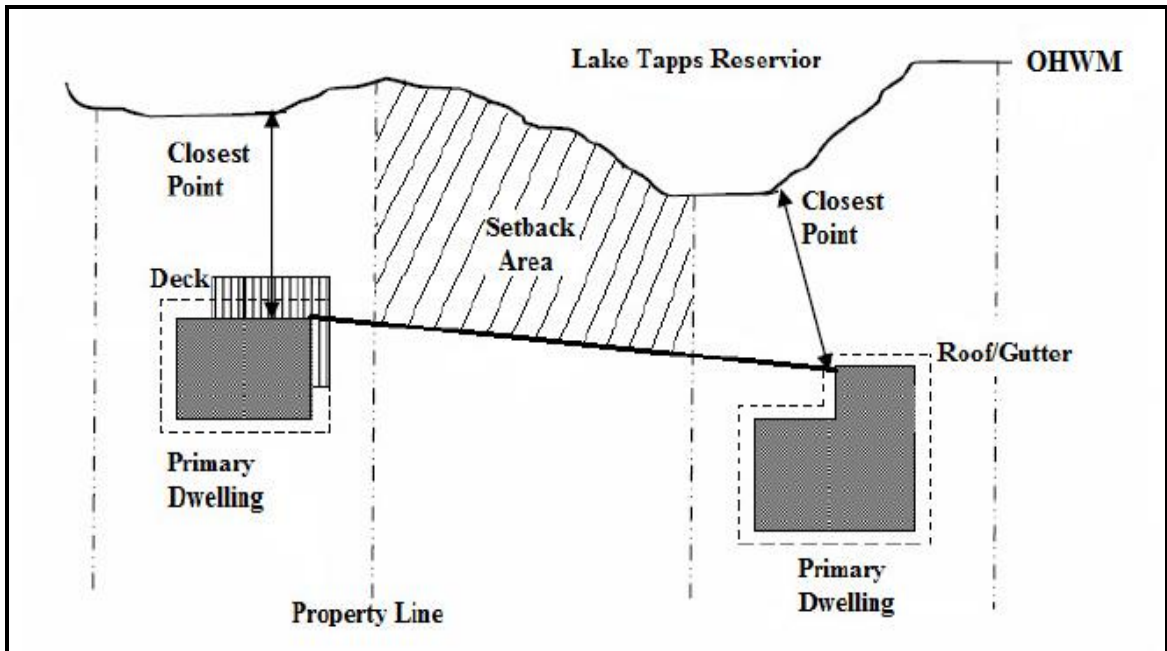


Figure 4: Example of shoreline setbacks for middle home based on average adjacent shoreline setbacks.

- 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.

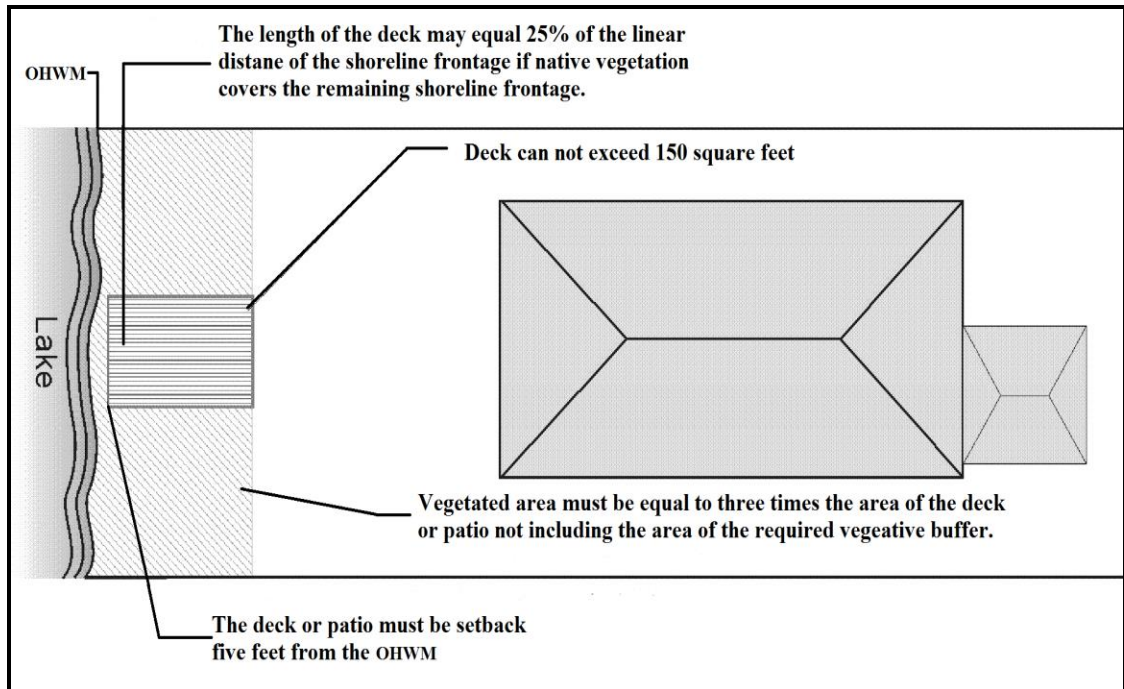


Figure 5: Waterfront deck bonus for lots

- 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 obtained from this incentive is 120 square feet.
- E. Property owners who own property that is separated from the OHWM by upland areas owned by CWA may include those upland areas of CWA's property directly between their property as part of their lot area for purposes of calculating the allowed impervious surface on their lot, subject to all of the following criteria:
1. The property owner seeking to use CWA's property area to calculate allowed impervious surfaces on the property will enter into a license agreement with CWA.
 2. The property owner seeking to use this incentive shall provide a vegetation planting plan that meets the requirements of BLMC 16.56.050, and agrees to maintain the vegetation conservation area in compliance with BLMC 16.56.060.
 3. The allowed impervious surfaces will only be installed on the property owner's private property. None of the impervious surfaces installed will be located on CWA's property.
 4. The impervious surfaces allowed on any property utilizing this incentive shall not exceed the total allowed in Title 18 based on the zoning designation of the property.
 5. All other applicable setback and bulk regulations shall apply to the site subject to this incentive.

F. A property owner may be allowed to install a boathouse upland from the OHWM without a rear yard setback requirement, and without a shoreline setback requirement if all of the following standards are met:

1. The property owner obtains the approval of Cascade Water Alliance in the form of a valid license agreement for any structural development or vegetation planting and vegetation maintenance that involves property owned by CWA.
2. The City approves a vegetation planting plan for the entire vegetation conservation area within the lot frontage that meets all of the standards of BLMC 16.56.050 and BLMC 16.56.060.
3. The square footage of the structure is no greater than 150 square feet. The entire structure shall be located within the walkway corridor described in BLMC 16.56.100.B.3 and illustrated in Figure 7.
4. The structure is no more than ten feet in height, as measured according to the definitions of WAC 173-27-030.
5. The boathouse shall not be used to justify the need for shoreline armoring.
6. No rooftop deck or use shall be allowed or established on top of such a structure.
7. The boathouse shall not include habitable space, plumbing, and construction of a boathouse shall require a building permit regardless of size.

Section 34. Chapter 16.56.050 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

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, and shall obligate the property owner to maintain the vegetation specified in the plan in perpetuity. 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. All vegetation planted as a part of a shoreline vegetation planting plan shall be planted in the ground either on the property where the development will take place, or on land owned by CWA that lies between the OHWM, the property's rear property line, and the side lot lines extended, as described in BLMC

16.56.090.A.1, subject to a valid CWA license agreement. 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. Grassy lawns will not be considered as acceptable vegetative groundcover.
 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. Annual monitoring reports from an applicant's qualified professional provided to the City shall be included as a part of such a schedule;
 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.

Section 35. Chapter 16.56.060 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

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.
 4. As a required condition for any property owner that chooses to receive approval for a development project through use of the incentives that are specified in BLMC 16.56.040.E and BLMC 16.56.040.F.
- 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 four and one-half inches 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,~~ A 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 a 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 and replacements planted within the vegetative conservation area using native tree species at a 3:1 replacement ratio. If a snag is created, replacement will be at a 1:1 ratio.
 2. The removal is part of an approved development that includes mitigation for impacts to ecological functions
- F. For trees outside of the vegetation conservation areas of a lot, a tree removal request in the form of a shoreline exemption application shall be submitted in writing to the City prior to the removal of any tree. Any tree greater than four and one-half dbh removed from a property will be replaced elsewhere within the shoreline jurisdiction at a ratio of 1:1 with like-for-like species selection wherever feasible. 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.

Section 36. Chapter 16.56.070 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

16.56.070 Water Quality and Quantity

- A. All shoreline development shall comply with the applicable requirements of the Pierce County 2008-2015 Stormwater Management and Site Development Manual and all applicable City stormwater regulations established by Chapter 15.13 BLMC – Stormwater Management.
- B. Where feasible, shoreline development must implement low impact development techniques pursuant to the standards contained in the Pierce County 2008-2015 Stormwater Management and Site Development Manual – Volume VI.
- C. Residential development shall utilize the BMPs for Single Family Residence in the Pierce County 2008-2015 Stormwater Management and Site Development Manual – Volume IV Chapter 3.
- D. The direct runoff of chemical-laden waters into adjacent water bodies is prohibited.

Section 37. Chapter 16.56.080 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

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) multiplied by 100.

- B. In calculating impervious surface, pavers on a sand bed may be counted as fifty percent 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, as proposed and verified by a qualified civil engineer. 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 alternative to the above quantitative standards, the applicant may submit a stormwater retention plan, prepared by a licensed civil engineer or hydrogeologist. The plan may incorporate alternate means of addressing stormwater runoff 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 positive benefit in regards to the ecological functions at the site when compared to following ~~than~~ the standards in subsections A through C of this section, and/or will result in less negative ecological impacts than following the prescriptive standards of subsections A through C.

Section 38. Chapter 16.56.100.A.6 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

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:
 - 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 20-foot setback from the rear property line unless exempt from the rear setback requirement, subject to the approval of the incentive in BLMC 16.56.040.F. Such a structure, subject to compliance with the provisions of BLMC 16.56.040.F, may also be located within part of the vegetation conservation area.
 - ~~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.~~

Section 39. Chapter 16.56.150 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

16.56.150 Nonconforming and pre-existing uses, structures, and developments.

The City's baseline ecological condition, by which the standard of 'no-net loss' of ecological functions is determined, is the effective date of the SMP update on October 16,2014. Any use, development, and/or structure that can be demonstrated to have been in existence at that time is considered legally conforming for the purposes of the SMP and this section, subject to the standards below:

A. Structures:

1. Residential structures and appurtenant structures that were a part of the City's baseline ecological condition and used for a conforming use, but which do not meet current standards for shoreline setbacks, height, or density shall be considered legally conforming structures. Such structures may be altered, maintained, and/or repaired so long as the degree of nonconformity is in no way increased. These same standards shall be applied to non-structural residential developments as well.
2. Detached dwelling units, site improvements, and residential appurtenances that are legally conforming and are located landward of the OHWM that do not meet the shoreline setback requirement may be enlarged or expanded; provided that the new construction complies with all applicable bulk and dimensional standards of Title 18, the applicable provisions of this SMP, and does not result in an expansion of the encroachment into the shoreline setback, except as provided for in BLMC 16.56.040 and BLMC 16.56.100.
3. A nonconforming structure or non-structural development which is moved any distance must be brought into conformance with the SMP and the SMA.
4. 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.

B. Uses:

1. Nonresidential uses that were lawfully established and are nonconforming with regard to the use regulations of the SMP may continue as legal nonconforming uses, but shall not be enlarged or expanded.
2. A use which is listed as a conditional use but which existed prior to adoption of the mater program or any relevant amendment and for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use.

3. All nonconforming uses 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.

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

~~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 BLMC Title 18 and the applicable provisions of the shoreline code, and does not expand further into the shoreline setback except as provided for in BLMC 16.56.040 and 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 12 consecutive months, or for 12 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.~~

Section 40. Chapter 16.58.120 of the Bonney Lake Municipal Code and the corresponding portion of Ordinance No. 1491 § 5 is amended to read as follows:

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 preapplication meeting with the city to determine if and what type of shoreline permit(s) is required for the proposed development or use.~~

~~B.A.~~ All requests 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 shoreline 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 (measured as 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.B. All request for a shoreline exemption shall be made using a ~~JARPA~~ forms provided by the Director, accompanied by a letter identifying which exemption(s) is being requested 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). The Director reserves the right to require whatever additional materials are necessary to accurately and completely review the proposal for compliance with the SMP and BLMC.