

RESOLUTION NO. 806

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUMAS, WASHINGTON, RESOLVING TO ADOPT THE SUMAS SHORELINE MASTER PROGRAM PERIODIC REVIEW AND UPDATE AND DIRECTING THE MAYOR TO SUBMIT THE UPDATE TO THE WASHINGTON DEPARTMENT OF ECOLOGY FOR FORMAL REVIEW AND APPROVAL.

WHEREAS, the City of Sumas has prepared updates to the Everson Shoreline Management Master Program as part of the Periodic Review and Update required by RCW 90.58; and

WHEREAS, said Shoreline Master Program Update was prepared consistent with the procedural and substantive requirements set forth in WAC 173-26; and

WHEREAS, opportunities for public participation and public comment have been provided throughout the course of the update process, including at a duly advertised public hearing before the Sumas City Council on June 14, 2021; and

WHEREAS, on June 14, 2021, the City of Sumas, acting as lead agency under the State Environmental Policy Act, RCW 43.21 C, issued a Determination of Nonsignificance with respect to the Sumas Shoreline Master Program Periodic Review and Update; and

WHEREAS, it is the intention of the Sumas City Council to adopt the Sumas Shoreline Master Program Update dated June 2021 following formal review by the Washington Department of Ecology; and

WHEREAS, the Sumas City Council desires the Mayor to submit said Master Program Update to the Washington Department of Ecology for formal review and approval pursuant to state requirements; **NOW, THEREFORE**,

BE IT RESOLVED by the City Council of the City of Sumas as follows:

SECTION 1. The City Council of the City of Sumas, Washington, resolves to adopt the Sumas Shoreline Master Program dated June 2021, attached hereto as Exhibit "A", subject to review and approval by the Washington Department of Ecology and further subject to review and, where deemed appropriate, acceptance by the City Council of any required or suggested revisions to said Master Program as may be provided by the Department of Ecology based on their formal review.

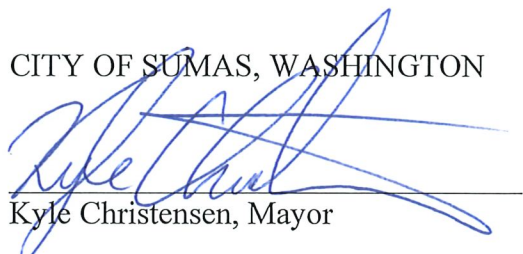
SECTION 2. The Sumas City Council hereby directs the Mayor of Sumas to submit the Sumas Shoreline Master Program Update dated June 2021 to the Washington

Department of Ecology for formal review and approval pursuant to RCW 90.58 and WAC 173-26 along with all required supporting documentation.

ADOPTED by majority vote of the City Council of the City of Sumas, Washington, at its meeting of said Council held on the 28th day of June, 2021.

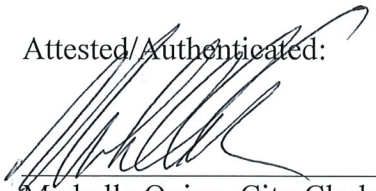
I hereby approve and concur with Resolution No. 806 this 28th day of June, 2021.

CITY OF SUMAS, WASHINGTON



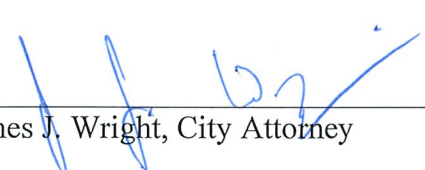
Kyle Christensen, Mayor

Attested/Authenticated:



Michelle Quinn, City Clerk

Approved as to Form:



James J. Wright, City Attorney

EXHIBIT A

**CITY OF SUMAS
SHORELINE MANAGEMENT MASTER PROGRAM**

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June 2021 DRAFT

City Council Adoption by Resolution No. 806 on June 28, 2021

Department of Ecology Approval, Effective Date: _____

**CITY OF SUMAS
SHORELINE MANAGEMENT MASTER PROGRAM
June 2021 DRAFT**

**PART ONE: SHORELINE MANAGEMENT GOALS AND
POLICIES
[An element of the City Comprehensive Plan]**

**PART TWO: SHORELINE MANAGEMENT REGULATIONS
Chapter 15.04
[Part of the City Development Regulations]**

PART THREE: CODE CHAPTER ADOPTED BY REFERENCE
♦ SMC 14.30 – Flood Damage Prevention
♦ SMC 15.20 – Critical Areas

PART FOUR: CITY OF SUMAS OFFICIAL SHORELINE MAP

CITY of SUMAS SHORELINE MASTER PROGRAM

PART ONE

SHORELINE MANAGEMENT GOALS AND POLICIES

[SHORELINE MANAGEMENT ELEMENT OF THE COMPREHENSIVE PLAN]

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1.0 INTRODUCTION

1.1 SHORELINE MANAGEMENT PROGRAM

This document contains the policy component of the Sumas Shoreline Management Master Program. The goals and policies contained herein constitute the Shoreline Management Element of the City of Sumas Comprehensive Land Use Plan.

1.2 AUTHORITY

The goals, policies and regulations of the Sumas Shoreline Master Program are established under the authority of the Shoreline Management Act of 1971, now codified as Chapter 90.58 of the Revised Code of Washington (RCW), and the Shoreline Master Program Guidelines, Chapter 173-26 of the Washington Administrative Code (WAC).

1.3 PURPOSE

The purpose of the Sumas Shoreline Master Program is:

- A. To further the goals of the Shoreline Management Act as set forth in RCW 90.58.020; and
- B. To promote the public health, safety, and general welfare of the community by providing long range and comprehensive policies and effective and reasonable regulations for development and use of shorelines within the City; and
- C. To manage shorelines in a positive, effective, and equitable manner; and
- D. To plan for and foster all reasonable and appropriate uses, particularly uses directly dependent upon the water; and
- E. To preserve to the greatest extent feasible, consistent with the overall interest of the State, the City and the people generally, the public's opportunity to enjoy the physical and aesthetic qualities of the shorelines of the City by preserving views and increasing public access to the shorelines; and
- F. To manage the shorelines of the City to minimize, insofar as practical, damage to the shoreline area, while actively encouraging the restoration and enhancement of degraded shoreline functions and processes.

2.0 GENERAL ELEMENTS

The following general elements are included pursuant to RCW 90.58.100 and are addressed throughout the Sumas Shoreline Management Master Program:

2.1 ECONOMIC DEVELOPMENT

An element related to the location and design of industries, industrial projects of statewide significance, transportation facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state.

GOAL 2.1: Encourage utilization of all economic resources to improve the standard of living for residents of the City of Sumas while assuring that these economic resources are utilized in a manner that results in the least possible damage to the shoreline resources and surrounding environment.

Policy 2.1A: Economic development should be encouraged that has minimal adverse effects upon shoreline ecological functions and processes.

Policy 2.5B: Activities and facilities shall be located on the shorelines in such a manner as to maintain or improve the ecological functions of the shoreline environment and assure no net loss of ecological functions.

Policy 2.5C: Proposed shoreline uses should be distributed, located and developed in a manner that will maintain or improve the health, safety and welfare of the public when such uses must occupy shoreline areas.

Policy 2.5D: Planning, zoning, and other regulatory and non-regulatory programs governing lands adjacent to shorelines should be consistent with the provisions of this Program.

Policy 2.5E: Preference should be given to water-dependent uses that are consistent with preservation of shoreline ecological functions and processes. Secondary preference should be given to water-related and water-enjoyment uses. Nonwater-oriented uses should be allowed only when substantial public benefit is provided with respect to the goals of the Act for public access and ecological restoration.

2.6 CONSERVATION

An element related to the preservation of natural resources and shoreline ecological functions and processes, including, but not limited to, wetlands, riparian and aquatic habitats, other priority fish and wildlife habitats and species, floodplains, geological features, scenic vistas and aesthetics for fisheries and wildlife protection.

GOAL 2.6: Assure the protection of unique, fragile and scenic elements and non-renewable natural resources within the shorelines of the City of Sumas, and protect shoreline ecological functions and the processes that sustain them to the maximum extent practicable.

Policy 2.6A: Critical areas should be protected through regulations that provide a level of protection that is at least as protective as the regulations established in Chapter 16.08 NMC.

Policy 2.6B: The protection and preservation of shoreline areas that are ecologically intact and minimally developed or degraded should be encouraged.

Policy 2.6C: Regulations and mitigation standards should be developed and implemented that ensure that new shoreline developments result in no net loss of shoreline ecological functions and processes.

Policy 2.6D: Renewable natural resources should be managed on a sustained yield basis.

Policy 2.6E: Shoreline uses should protect scenic vistas and the aesthetics of the shoreline environment.

2.7 HISTORICAL/CULTURAL RESOURCES

An element related to the protection and restoration of buildings, sites and areas having archaeological, historic, cultural, scientific or educational values within the shorelines of the City of Sumas.

GOAL 2.7: Preserve, protect and restore areas having archaeological, historic, cultural, educational or scientific values or significance through coordination and consultation with the appropriate local, state, tribal and federal authorities.

Policy 2.7A: Developments within shoreline areas should be encouraged and, where appropriate, required to avoid or minimize impacts to sites having archaeological, historic, cultural, educational or scientific value or significance.

Policy 2.7B: Opportunities for education related to archaeological, historical and cultural features should be encouraged where appropriate and be incorporated into public and private programs and developments.

3.0 SHORELINES OF STATEWIDE SIGNIFICANCE

No shorelines of statewide significance are present within the City of Sumas.

4.0 ECOLOGICAL PROTECTION

Shorelines of the state are among the most valuable and fragile natural resources and there is great concern relating to their utilization, protection, and restoration.

4.1 NO NET LOSS

As established by WAC 173-26-186(8), this SMP is designed to assure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to plan for restoration of ecological functions where they have been impaired. This section gives detail to the protection of shorelines as natural resources and applies the principle of “no net loss” to ecological function and ecosystem-wide processes to preserve and protect shorelines.

The concept of “net” recognizes that any development has actual or potential, short-term or long-term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the appropriate mitigation sequence, those impacts will be addressed in a manner necessary to assure that the end result will not diminish the shoreline resources and the values as they currently exist.

GOAL 4.1: Assure that development and use within shoreline jurisdiction result in no net loss of ecological functions and ecosystem-wide processes.

Policy 4.1A: Shoreline uses and development should occur in a manner that assures no net loss of ecological functions and values. Uses shall be designed and conducted to minimize any resultant damage to the ecology and the environment.

Policy 4.1B: Development standards for density, frontage, setbacks, lot coverage, shoreline stabilization, vegetation conservation, buffers, critical areas, and water quality should protect existing shoreline ecological functions and processes.

Policy 4.1C: Critical areas associated with shorelines should be protected and managed in accordance with City of Sumas critical areas regulations.

4.2 EVALUATION OF CUMMULATIVE EFFECTS

Projects and activities authorized through City shoreline permits and shoreline exemptions have the potential to impact shoreline resources both positively and negatively. It's important for the City to be able to determine the net impact of such projects on the shoreline environment in order to make appropriate adjustments to shoreline policies and regulations.

GOAL 4.2: Track and periodically evaluate the cumulative effects of all city actions related to review and approval of projects and activities within shoreline areas.

Policy 4.2A: The City will maintain a database to track all shoreline permits and shoreline exemptions, including but not limited to: date of permit action, site address, project description, pre- and post-project photographs of the subject area, and description of required mitigation or proposed enhancement activities.

Policy 4.2B: Approximately every five years, the city will conduct an informal review of all approved shoreline permits and shoreline exemptions listed in the database to evaluate the cumulative effects of such activities on shoreline functions and resources, including water quality, habitat, shoreline vegetation, and riparian conditions.

Policy 5.3C: The purpose, designation criteria, management policies and development regulations applicable to each environment designation shall be established and implemented through this Program.

Policy 5.3D: Those areas within shoreline jurisdiction for which a shoreline environment designation is not shown on the Official Shoreline Map shall be designated the same as the immediately adjacent shoreline area or, where no such area exists, shall be designated Urban Conservancy.

5.4 AQUATIC ENVIRONMENT

5.4.1 Purpose

The purpose of the “aquatic” environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

5.4.2 Designation Criteria

Shoreline areas shall be included in the aquatic environment if they include lands waterward of the ordinary high water mark of the Sumas River or Johnson Creek. Areas included in the aquatic designation shall include the underlying lands and water column.

5.4.3 Policies

The following management policies shall apply to areas within the aquatic environment:

Policy 5.4.3A: New over-water structures shall only be allowed for water-dependent uses or public access or ecological restoration.

Policy 5.4.3B: The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

Policy 5.4.3C: 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.

Policy 5.4.3D: Uses that adversely impact the ecological functions of critical freshwater habitat should not be allowed except where necessary to support or further other shoreline goals and policies when impacts can be mitigated to the maximum extent possible.

Policy 5.4.3E: Shoreline uses and modifications shall be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

5.5 NATURAL ENVIRONMENT

5.5.1 Purpose

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

5.5.2 Designation Criteria

Shoreline areas shall be included in the natural environment based on meeting any of the following criteria:

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

5.6 SHORELINE RESIDENTIAL ENVIRONMENT

5.6.1 Purpose

The purpose of the “shoreline residential” environment is to accommodate residential development and appurtenant structures that are consistent with the goals of RCW 90.58 and this Program. An additional purpose is to provide appropriate public access and recreational uses.

5.6.2 Designation Criteria

Shoreline areas shall be included in the shoreline residential environment if they lie within urban growth areas, as defined in RCW 36.70A.110, incorporated municipalities, “rural areas of more intense development,” or “master planned resorts,” as described in RCW 36.70A.360, if they are predominantly single-family or multifamily residential development or are planned and platted for such development.

5.6.3 Policies

The following management policies shall apply to areas within the shoreline residential environment:

Policy 5.6.3A: Development should be permitted only in those shoreline areas where adequate setbacks or buffers are possible to ensure no net loss of shoreline ecological functions, where there are adequate access, water, sewage disposal, and utilities systems and public services available, and where the environment can support the proposed use in a manner which protects or restores the ecological functions.

Policy 5.6.3B: Densities or minimum frontage width standards in the “shoreline residential” environment shall be established to protect the shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

Policy 5.6.3C: Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be established to ensure no net loss of ecological functions.

Policy 5.6.3D: Multifamily and multi-lot residential and recreational developments should provide community or public access and joint use for community recreational facilities where appropriate.

Policy 5.6.3E: Access, utilities, and public services should be available and adequate to serve existing needs and planned future development.

Policy 5.6.3F: Public or private outdoor recreation facilities should be encouraged if compatible with the character of the area. Preferred uses include water-dependent and water-enjoyment recreation facilities that provide opportunities for substantial numbers of people to access and enjoy the shoreline.

5.7 URBAN CONSERVANCY ENVIRONMENT

5.7.1 Purpose

The purpose of the “urban conservancy” environment is to protect and restore ecological functions of open space, floodplain, and other sensitive lands where they exist in urban and developed settings, while allowing for a variety of compatible uses.

~~(5)~~(6) The area is within the delineated edges of a wetland associated with the Sumas River or Johnson Creek.

5.8.3 Policies

The following management policies shall apply to areas within the urban conservancy-wetland environment:

Policy 5.8.3A: Uses that preserve the natural character of the area or promote preservation of open space, critical areas, floodplain, or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if found compatible.

Policy 5.8.3B: Standards shall be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications. These standards shall ensure that new development does not result in a net loss of shoreline ecological function or further degrade other shoreline values.

Policy 5.8.3C: Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be avoided or mitigated.

Policy 5.8.3D: Water-oriented uses should be given priority over non-water-oriented uses.

Policy 6.2E: The protection and restoration of critical areas within shoreline jurisdiction should be encouraged through implementation of the full range of planning and regulatory measures.

Policy 6.2F: Development standards for density, frontage, setbacks, lot coverage, shoreline stabilization, vegetation conservation, buffers, critical areas, and water quality should be utilized to protect existing shoreline ecological functions and processes.

Policy 6.2G: Critical area regulations shall adhere to standards established in the following sections of this Program, unless it is demonstrated through scientific and technical information as provided in RCW 90.58.100(1) and as described in WAC 173-26-201(2)(a) that an alternative provides better resource protection.

6.2.1 Wetlands

Wetlands provide many important ecological functions including flood attenuation, reduction of impacts to water quality, ground water recharge, maintenance of base in-stream flows, and provision of habitat for fish and wildlife. Impacts to wetlands can also contribute to adverse impacts on other important resources.

Policy 6.2.1A: Wetlands should be managed to achieve a policy of no net loss of wetland area, functions and values.

Policy 6.2.1B: Wetlands should be categorized to reflect differences in wetland quality and function, and higher quality/functioning wetlands should receive greater protection.

Policy 6.2.1C: Wetland regulations should address all activities and uses to assure no net loss of ecological functions in these critical areas.

Policy 6.2.1D: Buffers around wetlands should be provided that are adequate to ensure that wetland functions are protected and maintained over the long-term.

Policy 6.2.1E: Potential impacts to wetland buffers should also be considered when evaluating development proposals.

Policy 6.2.1F: Wetlands should be managed consistent with the mitigation priority sequence defined in WAC173-26-020, and compensatory mitigation should be allowed only after mitigation sequencing has been applied.

6.2.2 Rivers and Streams – Critical Freshwater Habitat

Many ecological functions associated with rivers and streams are impacted both by activities within the stream corridor and those occurring on adjacent uplands throughout the watershed.

Policy 6.2.2A: River and stream corridors should be protected and restored where necessary to ensure no net loss of ecological functions within shoreline jurisdiction.

Policy 6.2.2B: Damage to riverine shoreline areas that retain their ecological functions should be avoided or mitigated.

Policy 6.2.2C: Degraded riverine shoreline areas should be restored wherever feasible.

Policy 6.2.2D: Incentives should be provided to encourage re-connection of the main river channel with associated water bodies, dry channels, and associated wetlands.

Policy 6.2.2E: Except where necessary to protect life and property, new restrictions to channel movement within the channel migration zone should not be allowed, and natural channel configurations within the channel migration zone should be encouraged over time.

Policy 6.4B: The public's opportunity to enjoy the physical and aesthetic qualities of the shorelines of the state, including views of the water, should be protected.

Policy 6.4C: The public interest with respect to the public's right to access waters of the state held in public trust should be promoted and enhanced while protecting private property rights and ensuring public safety.

Policy 6.4D: Development within the shoreline area should be regulated, where appropriate, to minimize interference with the public's ability to access the shoreline.

Policy 6.4E: A local public access planning process should be undertaken utilizing input from affected property owners to identify specific public access needs and opportunities within the City shoreline area. This process should result in an integrated plan for development of shoreline public access, including prioritization of projects and locations, and establishment of public access requirements for shoreline permits.

Policy 6.4F: Consistent with local public access planning, all development within the shoreline area should be required to make a proportionate contribution, either material or financial, toward meeting public access goals, either through dedication of land, granting of easements, provision of public access facilities, or other appropriate means.

Policy 6.4G: Public access improvements that have the potential to result in a net loss of ecological functions should be designed to minimize adverse impacts, and such improvements that would likely cause significant ecological impacts that cannot be mitigated should not be allowed.

6.5 VEGETATION CONSERVATION

Vegetation conservation includes activities to protect and restore vegetation along or near shorelines that contribute to ecological functions of shoreline areas. Vegetation conservation provisions include the prevention or restriction of plant clearing and earth grading, vegetation restoration, and the control of invasive weeds and nonnative plant species.

Policy 6.5A: The ecological functions and ecosystem-wide processes performed by vegetation along shorelines should be protected and restored.

Policy 6.5B: Vegetation conservation efforts should be encouraged to protect human safety and property, increase the stability of river banks, reduce the needs for structural stabilization measures, improve the visual and aesthetic qualities of the shoreline, and enhance shoreline uses.

Policy 6.5C: Vegetation conservation and restoration policies and regulations should be implemented as necessary to assure no net loss of ecological functions, to avoid adverse impacts on soil and hydrology, and to reduce the hazard of slope failures or accelerated erosion.

Policy 6.5D: Riparian corridors and significant habitat should be protected and restored.

Policy 6.5E: The importance of shoreline vegetation should be recognized, including: providing shade to maintain cooler water temperature, providing organic input, providing food, stabilizing banks and minimizing erosion, reducing fine sediment through stormwater retention and filtering, providing a source of large woody debris, regulating the microclimate, and providing critical riparian habitat.

6.6 VIEWS AND AESTHETICS

Scenic vistas, views of the water and aesthetic qualities of the shoreline area are important, and the public's ability and opportunity to enjoy shoreline views and aesthetics should be protected.

7.0 SHORELINE USE POLICIES

The following activities have been identified as those types of uses that can occur on shorelines of the City of Sumas. Policy statements have been developed for these various activities in order to insure the proper use of the shoreline.

7.1 AGRICULTURE

Agriculture includes those methods used in vegetation and soil management as defined by WAC 173-26-020. The methods used in the agricultural processes have a great effect on the conditions of shorelines and water quality. These policies shall not apply retroactively to agricultural operations meeting the definition of existing and ongoing agriculture, but shall apply to new agricultural development, including associated clearing and grading in support of new agricultural uses.

Policy 7.1A: Agricultural uses shall generally be located outside of shoreline areas and be designed to assure no net loss of ecological functions or ecosystem-wide processes.

Policy 7.1B: A buffer zone of naturally occurring vegetation should be maintained between all tilled areas and bodies of water within shoreline jurisdiction.

Policy 7.1C: Livestock shelters and animal feeding facilities located within the shoreline area should make provisions to control run-off from feeds, manure, and associated animal wastes.

Policy 7.1D: Agricultural practices shall not use products which can potentially harm aquatic life within the shoreline area, except where used consistent with an approved Integrated Pest Management Plan.

Policy 7.1E: The watering of livestock in associated bodies of water shall not be permitted.

Policy 7.1F: Tilled areas shall meet erosion control best management practices as outlined by the Natural Resource Conservation Service, U.S. Dept. of Agriculture.

Policy 7.1G: The local SMP shall not require modification of or limit ongoing and existing agricultural activities occurring on lands zoned for agriculture and where pre-existing non-conforming agricultural activities have been recognized.

Policy 7.1H: The SMP recognizes the importance of agriculture and supports its continued viability in the community while maintaining shoreline ecological functions and processes.

7.2 AQUACULTURE

Aquaculture is the culture of food fish, shellfish, or other aquatic plants and animals. It is generally recognized that development of aquaculture within the City of Sumas is unlikely.

Policy 7.2A: Aquaculture should be consistent with the surrounding shoreline environment.

Policy 7.2B: Consideration should be given to protecting visual and physical access to shoreline areas when locating aquaculture uses.

Policy 7.2C: Aquaculture activities should be designed, located and operated in a manner that supports long term beneficial use of the shoreline and protects and maintains shoreline ecological functions and processes. Aquaculture should not be permitted where it would result in a net loss of shoreline ecological functions; adversely affect the quality or extent of habitat for native species; adversely impact habitat for threatened or endangered species; or interfere with water-dependent uses.

Policy 7.2D: Aquaculture should not be permitted in areas where it would result in a net loss of ecological function, and should be designed and located so as not to spread disease to

Policy 7.4E: Industrial development should be compatible with the surrounding shoreline area.

Policy 7.4F: Cooperative use of parking and storage facilities by industry should be encouraged.

Policy 7.4G: Wherever possible, industrial development should not interfere with public visual and physical access to the shoreline.

Policy 7.4H: Industrial development should be encouraged to provide public access, except where such access would pose a threat to public health or safety or to private property.

Policy 7.4I: Industrial development on publicly owned lands should be required to provide public access.

Policy 7.4J: Restoration of impaired shoreline ecological functions and processes should be encouraged as part of industrial development.

Policy 7.4K: The heights of buildings should be limited to that height necessary to perform the primary function.

7.5 IN-STREAM STRUCTURES

An in-stream structure is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

Policy 7.5A: In-stream structures should serve to protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

Policy 7.5B: The location and planning of in-stream structures shall give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitats and species.

Policy 7.5C: Failing, harmful, unnecessary, or ineffective in-stream structures should be removed and, where appropriate, replaced. Where feasible, shoreline ecological functions and processes should be restored.

7.6 MINING

Mining is the removal of sand, gravel, soil, minerals, and other earth materials from the earth for economic use. Mining alters the natural character, resources and ecology of shorelines and may adversely affect critical shoreline resources.

Policy 7.6A: Mining should be prohibited within shoreline jurisdiction.

7.7 RECREATIONAL DEVELOPMENT

Recreation is the refreshment of body and mind outdoors or indoors through forms of play, sports, amusement or relaxation. Water-related recreation accounts for a very high proportion of all recreational activity in the Pacific Northwest. The recreational experience may be an active one involving boating, swimming, fishing or hunting or the experience may be passive such as enjoying the natural beauty of a shoreline, nature study, or picnicking.

Policy 7.7A: Shoreline recreational development should provide an adequate supply of commercial and public facilities for active and passive recreational uses without causing significant ecological impacts.

Policy 7.8E: Subdivisions should be encouraged not to locate any structure within close proximity of the immediate water's edge, and instead use this area as open space.

Policy 7.8F: Vegetation removal should be limited to the minimum necessary to accommodate permitted primary residential structures.

Policy 7.8G: Subdivisions should be encouraged to provide community or public physical and/or visual access to shorelines.

Policy 7.8H: Erosion and sedimentation control measures should be included as part of the development plans.

Policy 7.8I: Residential development should be planned and built to minimize the need for shoreline stabilization and flood hazard reduction measures.

Policy 7.8J: Single-family residences are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

7.9 TRANSPORTATION AND PARKING

A road is a linear passageway for motor vehicles, and a railroad is a linear passageway with tracks for train traffic. The construction of linear transportation facilities and parking associated with allowed uses can both support and limit access to shorelines. Such development can also impair the visual qualities of water-oriented vistas, expose soils to erosion, increase storm water runoff, and accelerate or retard development along shorelines.

Policy 7.9A: Whenever feasible, major highways and railroads should be located away from shorelines.

Policy 7.9B: Safe, reasonable and adequate circulation systems to, and through or over, shorelines should be provided and maintained.

Policy 7.9C: The impact on the natural shoreline environment should be considered when designing, locating and constructing transportation facilities and parking in the shoreline area. Impacts to shoreline ecological functions and processes should be mitigated to the maximum extent practicable.

Policy 7.9D: Parking facilities shall only be allowed as necessary to support an authorized use and should be located in upland areas away from the water's edge unless no practicable alternative exists.

Policy 7.9E: Road and transportation planning should make provisions for public transportation, pedestrian and bicycle access to shoreline areas, where appropriate.

Policy 7.9F: Provisions should be made in highway and road design for compatible multiple uses, such as utility lines, pedestrian shore access, scenic pull-outs and view points.

Policy 7.9G: Railroad construction should be limited to maintenance of existing facilities.

Policy 7.9H: Transportation facilities should be located and designed to avoid impacts to public recreation and public access areas and to significant natural, historic, archaeological or cultural sites.

7.10 UTILITIES

Utilities are systems, services or facilities that produce, convey, store, or process various items including electricity, oil, gas, communications, sewage, water and the like. The installation of this apparatus necessarily disturbs the landscape, but can be planned to have minimal visual and physical effect on the environment.

8.0 SHORELINE MODIFICATION POLICIES

Shoreline modifications are related to construction of a physical element such as a dike, bulkhead, or fill. They can also include such activities as clearing and grading, or significant vegetation removal.

8.1 BOAT RAMPS

Boat ramps are permanent structures for launching watercraft. It is recognized that development of boat ramps in the City of Sumas is unlikely.

Policy 8.1A: Boat ramps are water-dependent uses and should be given priority for shoreline location.

Policy 8.1B: Boat ramps should be sited, designed and constructed to minimize adverse effects on the shoreline and shoreline resources.

Policy 8.1C: New boat ramps should only be allowed for water-dependent uses or public access.

Policy 8.1D: Land disturbance associated with boat ramp construction should be limited to the minimum necessary to accommodate the proposed use.

Policy 8.1E: New construction should be allowed only when it has been shown that a specific need exists to support the proposed use.

Policy 8.1F: Boat ramps should be designed and constructed to avoid or minimize impacts to critical habitat and should result in no net loss of ecological function, while contributing to public physical and visual access to and enjoyment of waters of the state.

8.2 DOCKS

A dock is a structure built over or floating upon the water, used as a landing place for marine transport or for recreational purposes. A concentration of docks along the shore can interfere with or prevent public use of the water surface.

Policy 8.2A: New docks should be allowed only for water-dependent uses or public access.

Policy 8.2B: Docks associated with a single family residence is considered a water-dependent use, provided that it is designed and used as a facility to access watercraft and other moorage facilities are not available or feasible. Moorage for water-related and water-enjoyment uses or shared moorage for multifamily use should be allowed as part of a mixed-use development or where they provide public access.

Policy 8.2C: Dock construction should be limited to the minimum necessary to accommodate the proposed use.

Policy 8.2D: New construction should be allowed only when it has been shown that a specific need exists to support the proposed use.

Policy 8.2E: Docks should be designed and constructed to avoid or minimize impacts to critical habitat and sediment transport and should result in no net loss of ecological function, while contributing to public physical and visual access to and enjoyment of waters of the state.

Policy 8.2F: Docks should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.

8.5 OUTDOOR ADVERTISING AND SIGNS

Signs are publicly displayed boards whose purpose is to provide information, direction or advertising. Signs and billboards, because they are intended to be very visible, can have a great effect on the aesthetics of an area.

Policy 8.5A: In general, signs should be constructed to minimize interference with visual access to the shoreline. Where such locations are available, signs should be constructed against existing buildings to minimize visual obstructions of the shoreline and water bodies.

Policy 8.5B: Size, height, density and lighting of signs should be compatible with adjacent shoreline uses.

Policy 8.5C: Signs should be designed mainly to identify the premises and nature of enterprise without unduly distracting uninterested passers-by.

Policy 8.5D: No off-premise advertising signs or billboards should be permitted within the shoreline area.

Policy 8.5E: Moving or flashing signs and neon lighting for signs within the shoreline area should be prohibited.

Policy 8.5F: Interpretive signage should be allowed and, where appropriate, encouraged within the shoreline area.

8.6 SHORELINE FLOOD PROTECTION

Shoreline flood protection refers to flood control structures along streamways and includes rip-rapping, and construction of levees and dikes, but excludes other shoreline stabilization work such as bulkheads and groins.

Policy 8.6A: The design, location and construction of shoreline flood protection features should be undertaken only if it minimizes alteration of the natural shoreline.

Policy 8.6B: Shoreline flood protection should minimize any intrusion on areas below the ordinary high water mark.

Policy 8.6C: Wherever possible, construction of shoreline flood protection structures should provide for protection, preservation and restoration of ecological functions and ecosystem-wide processes.

Policy 8.6D: Wherever possible, construction of shoreline flood protection facilities should provide opportunities for public access to the shoreline.

Policy 8.6E: New construction should be located and designed to avoid the need for new shoreline flood protection in the future.

8.7 SHORELINE HABITAT AND NATURAL SYSTEMS ENHANCEMENT PROJECTS

Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

Policy 8.7A: Shoreline habitat and natural systems enhancement projects shall be encouraged where consistent with the City's restoration plan.

Policy 8.7B: Projects including modification of vegetation, removal of nonnative or invasive plants, shoreline stabilization, dredging, and filling, shall also be encouraged, provided that the primary purpose of such actions is clearly restoration of the natural character and ecological functions of the shoreline.

Policy 8.9A: Solid waste disposal facilities should not be permitted in the shoreline area.

Policy 8.9B: Solid waste transfer stations should only be allowed by conditional use within shoreline areas where no other feasible location exists.

**CITY OF SUMAS
SHORELINE MANAGEMENT MASTER PROGRAM**

PART TWO

**SHORELINE MANAGEMENT REGULATIONS
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SECTION TWO: DEFINITIONS

15.04.030 Definitions.

As used in this Chapter, unless the context requires otherwise, the following definitions and concepts shall apply. Word or phrases used in this Chapter that are not specifically defined below shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

ACT - Means the Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

ADMINISTRATOR - Means the City of Sumas Public Works Director or designee. The Administrator is responsible for reviewing Shoreline Permit Applications, inspecting project sites, and making recommendations to the Sumas City Council.

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

AGRICULTURAL EQUIPMENT AND AGRICULTURAL FACILITIES – Include, but are not limited to:

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

AGRICULTURAL LANDS - Means those specific land areas on which agricultural activities are conducted as of the adoption date of a local shoreline master program pursuant to WAC 173-26 as evidenced by aerial photography or other documentation. After the effective date of the this master program, land converted to agricultural use is subject to compliance with the requirements of the this master program.

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

normal public use, at any state of water level, of the surface of the waters overlying lands subject to Chapter 90.58 RCW. "Development" does not include: 1) forest practices that only involve timber cutting; and 2) dismantling or removing structures if there is no other associated development or redevelopment.

DEVELOPMENT REGULATIONS - Means the controls placed on development or land use by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

DIKE - Means an embankment, usually placed within or near the edge of a flood plain, to protect adjacent lowlands from flooding.

DISPOSAL FACILITIES - Means the location and facilities where any final treatment, utilization, processing, or depository of solid waste occurs.

ECOLOGICAL FUNCTIONS - Means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

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

EMERGENCY ACTIVITIES - Means those activities that require immediate action within a time too short to allow full compliance with this program due to an unanticipated and imminent threat to public health, safety or the environment. Emergency construction does not include development of new permanent protective structures where none previously existed.

ENVIRONMENT, SHORELINE - Means a geographic area identified and governed by these regulations as shown on the Official Shoreline Map.

EXEMPT DEVELOPMENT - Means a use or development activity that is not a substantial development and that is specifically listed as exempt from the substantial development permit requirement in WAC 173-27-040, but which must otherwise comply with applicable provisions of the act and this master program.

EXISTING AND ONGOING AGRICULTURE - Means agricultural activities in existence and ongoing as of the effective date of this Ordinance.

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

FEASIBLE - Means, for the purpose of this chapter, that an action, such as a development project, mitigation, or preservation requirements, meets all of the conditions outlined in WAC 173-26-020(15).

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

NON-CONFORMING USE, DEVELOPMENT OR STRUCTURE - Means a shoreline use, development or structure which was lawfully constructed or established prior to the effective date of the act or this program or amendments thereto, but which does not conform to present regulations or standards of the program or policies of the act.

ORDINARY HIGH WATER MARK (OHWM) - Means that mark on all lakes, streams, and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with approved development; provided that, in any area where the OHWM cannot be found, the OHWM adjoining saltwater shall be the line of mean higher high tide and the OHWM adjoining fresh water shall be the line of mean high water.

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

PERMIT - Means any substantial development permit, conditional use permit, variance permit, or revision authorized under chapter 90.58 R.C.W.

PERSON - Means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local government unit however designated, or Indian Nation or tribe.

PRIMARY ASSOCIATION - Means the use of a habitat area by a listed or priority species for breeding/spawning, rearing young, resting, roosting, feeding, foraging, and/or migrating on a frequent and/or regular basis during the appropriate season(s) as well as habitats that are used less frequently/regularly but which provide for essential life cycle functions such as breeding/nesting/spawning.

PRIORITY HABITAT - Means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:

1. Comparatively high fish or wildlife density;
2. Comparatively high species diversity;
3. Fish spawning habitat;
4. Important wildlife habitat;
5. Important fish or wildlife seasonal range;
6. Important fish or wildlife movement corridor;
7. Rearing and foraging habitat;
8. Refugia habitat;
9. Limited availability;
10. High vulnerability to habitat alteration; or
11. Unique or dependent species.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife. A priority habitat may also be described by a successional stage. Alternatively, it may also consist of a specific habitat element of key value to fish and wildlife. A priority habitat may contain priority and/or non-priority fish and wildlife species.

plus those lands extending landward for 200 feet in all directions, measured on a horizontal plane, from the shoreline floodway of the Sumas River or Johnson Creek; and ~~plus those wetlands associated with any of these water bodies and those land areas extending fifty feet from the delineated edge of those associated wetlands located within the 100-year floodplain.~~

SHORELINE MASTER PROGRAM OR MASTER PROGRAM - Means the Shoreline Management Master Program of the City of Sumas. The Sumas Shoreline Master Program is comprised of two parts: the Shoreline Management Element of the Sumas Comprehensive Plan and the regulations contained or referenced in this Chapter.

SHORELINE MODIFICATIONS - Means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

SHORELINES OF THE STATE - Means all of the water areas of the state as defined in RCW 90.58.030, and their associated shorelands, together with the lands underlying them except:

1. Shorelines of statewide significance;
2. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second (20 c.f.s.) or less and the wetlands associated with such upstream segments; and
3. Shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.

SHORELINES, SHORELINE AREAS, or SHORELINE JURISDICTION - Means all of the water areas within the City of Sumas identified as shorelines of the state, including the Sumas River, Johnson Creek, associated wetlands located within the 100-year floodplain, and their associated shorelands.

SHORELINES OF STATEWIDE SIGNIFICANCE - Means those shorelines of the state defined as shorelines of statewide significance pursuant to RCW 90.58.030(2)(f).

SHOULD - Means the particular action is required unless there is a demonstrated, compelling reason, based on the policy of the Shoreline Management Act and this master program, against taking the action.

SIGNIFICANT VEGETATION REMOVAL - Means the removal or alteration of vegetation by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by vegetation. The removal of invasive or noxious weeds and tree pruning not affecting ecological functions do not constitute significant vegetation removal.

SOLID WASTE - Means all putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

STATEMENT OF EXEMPTION - Means a written statement by the Administrator that a particular development proposal is exempt from the substantial development permit requirement and is generally consistent with this Program and the policy of the Act.

STREAMWAY - Means a river or stream's central runoff corridor including all wet and dry channels, together with adjacent point-bars, channel-bars, and islands which are wetted or surrounded by stream flow at bank full stage. The streamway is measured from outside bank edge to outside bank edge.

WATER-RELATED USE - Means a use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent on a waterfront location because: (a) the use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or (b) the use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

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 non-wetland areas to mitigate the conversion of wetlands.

15.04.040 Tense and Number.

When consistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular.

15.04.050 Interpretation.

As used in this Chapter, the words "shall" and "must" are mandatory and the words "should" and "may" are permissive.

not be required to obtain a permit under chapter 90.58 RCW.

- C. Pursuant to RCW 90.58.140(12), a permit is not required in order to dispose of dredged materials at a disposal site approved through the cooperative planning process referenced in RCW 79.105.500, provided the dredged material disposal proponent obtains a valid site use authorization from the Dredged Material Management Program office within the Department of Natural Resources.

15.04.090 Exempt Activities.

- A. A substantial development permit shall not be required for the following activities. Those activities identified under Subsections (1) through (16) are specifically exempted from the substantial development permit requirement pursuant to RCW 90.58.030(3)(9e) and WAC 173-27.040.
1. Any development of which the total cost or fair market value, whichever is higher, does not exceed ~~six thousand four hundred and sixteen~~seven thousand and forty-seven dollars or as this dollar value is adjusted for inflation pursuant to RCW 90.58.030(3)(e), if such development does not materially interfere with the normal public use of the water or shorelines of the state. For the purposes of determining whether or not a shoreline substantial development permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 and this master program. The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;
 2. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;
 3. Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion

exceed ten thousand dollars. However, if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of the completion of the prior construction, the subsequent construction shall be considered a substantial development;

9. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;
10. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
11. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;
12. Any project with a certification from the governor pursuant to RCW 80.50;
13. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this Program, if:
 - a. The activity does not interfere with the normal public use of the surface waters;
 - b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;
 - c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;
 - d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to ensure that the site is restored to preexisting conditions; and
 - e. The activity is not subject to the permit requirements of section 90.58.550 RCW;
14. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department of ecology jointly with other state agencies under chapter 43.21C RCW;
15. Watershed restoration projects as defined herein.
 - i. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:
 - (A) A project that involves less than ten miles of streamreach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
 - (B) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
 - (C) A project primarily designed to improve fish and wildlife habitat, remove or

requirements of this program. The statement shall be in writing and shall indicate the specific exemption of this Program that is being applied to the development, and shall provide a summary of the Administrator's analysis of the consistency of the project with this Program and the Act. As appropriate, such statements of exemption shall contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of the Program and Act. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The Administrator's actions on the issuance of a statement of exemption or a denial are subject to appeal pursuant to Section 15.04.210 of this Chapter.

- B. Whenever an exempt activity also requires a permit from the U.S. Army Corps of Engineers, a statement of exemption shall be sent to the applicant and the Department of Ecology pursuant to WAC 173-27-150.

15.04.110 Relationship to Other Local Regulations.

- A. Obtaining a shoreline permit or statement of exemption for a development or use does not excuse the applicant from complying with any other local statutes or regulations applicable to such development or use.
- B. Where both are applicable, a building permit shall not be issued until a shoreline permit is granted; provided that, any such permit issued by the Building Official shall be subject to the same terms and conditions which apply to the shoreline permit.
- C. Where other local permits or approvals are required, such as for zoning conditional uses, variances or subdivisions, the Administrator of those permits or approvals shall attach conditions to such permits or approvals as are required to ensure that the developments are consistent with this Program.

15.04.120 Relationship to Other State and Federal Laws.

Obtaining a shoreline permit or statement of exemption for a development or use shall not excuse the applicant from complying with any other state, regional, or federal statutes or regulations applicable to such development or use.

15.04.130 Liberal Construction.

As provided for in RCW 90.58.900, the Shoreline Management Act is exempt from the rule of strict construction; the Act and this program shall therefore be liberally construed to give full effect to the purposes, goals, objectives and policies for which the Act and this Program were enacted and adopted, respectively.

15.04.140 Nonconforming Development.

The following provisions shall apply to lawfully established uses, buildings and/or structures that do not meet the specific standards of this Program.

- A. Nonconforming developments may be continued. If the nonconforming use of a conforming or nonconforming building or structure is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming use right shall expire and any subsequent use shall be conforming, provided that a subsequent conforming use of a nonconforming building or structure shall only be allowed as a conditional use.
- B. A nonconforming use housed in a nonconforming building or structure shall not be changed to another nonconforming use. The change of a nonconforming use housed in a conforming building or structure to a different nonconforming use may be allowed as a conditional use, provided that the conforming status of the building or structure is not

SECTION FOUR: SHORELINE PERMITS

15.04.160 Permit Procedure.

- A. The City Council of the City of Sumas is vested with the authority to hold public hearings, make final decisions on permit applications and establish permit conditions related to shoreline management within the City of Sumas pursuant to this Program.
- B. The City Public Works Director, or his or her designee, shall be the Administrator of rules and regulations pertaining to shoreline management contained in or referenced in this Chapter and may prepare and require the use of such forms as are essential to its administration.
- C. The Administrator is authorized by the City Council to make determinations regarding applications for shoreline substantial development permits and shoreline exemptions and to approve, deny or approve with conditions all such applications. The City Council retains the authority to make decisions and establish conditions regarding shoreline conditional use permit and shoreline variance applications.
- D. A shoreline permit shall be applied for on forms provided by the Administrator. At a minimum, such applications shall include the following information:
 - 1. The name, address and phone number of the applicant;
 - 2. The name, address and phone number of the applicant's representative;
 - 3. The name, address and phone number of the property owner, if different than the applicant;
 - 4. The address, location and legal description of the property that is the subject of the proposed development;
 - 5. The name of the shoreline (water body) that the site of the proposed development is associated with;
 - 6. A general description of the subject property as it now exists including its use, physical and ecological characteristics, improvements and structures;
 - 7. A general description of the vicinity of the proposed project including identification of the adjacent uses, structures and improvements, intensity of development and physical and ecological characteristics;
 - 8. A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties;
 - 9. A description of the proposed development, including detailed descriptions of all project components;
 - 10. A statement indicating the proposed development's fair market value,
 - 11. A description of the proposed development's anticipated impacts to on-site vegetation, topography and natural systems and processes;
 - 12. A site plan or plans showing the existing and proposed conditions of the property, including showing the locations of the property boundary, the ordinary high water mark, any critical areas, existing and proposed development, existing vegetation, proposed vegetation alterations and landscaping, existing and proposed site contours, and existing and proposed structures; provided that, the ordinary high water mark may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan; and provided further that where the ordinary high water mark is neither adjacent to or within the boundary of the project,

15.04.180 Conditional Use Permit Criteria.

- A. The purpose of a conditional use permit is to allow greater flexibility in the application of the use regulations of this program in a manner consistent with the policies of RCW 90.58.020: PROVIDED that, conditional use permits may also be granted for a use not included in the enumerated permitted and conditional uses. In authorizing a conditional use, special conditions may be attached by the City or the Department of Ecology to prevent undesirable effects of the proposed use and/or to ensure consistency of the project with the Act and this master program.
- B. Uses which are classified or set forth in this program as conditional uses may be authorized provided the applicant can demonstrate all of the following:
 - 1. That the proposed use is consistent with the policies of RCW 90.58.020 and the provisions of this program;
 - 2. That the proposed use will not interfere with the normal public use of public shorelines;
 - 3. That the proposed use of the site and design of the project is compatible with other permitted uses within the area;
 - 4. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - 5. That the public interest suffers no substantial detrimental effect.
- C. Other uses which are not classified or set forth in this program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the this master program.
- D. Uses which are specifically prohibited and named by this program may not be authorized.
- E. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like action in the area such that if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

15.04.190 Variance Permit Criteria.

- A. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this program where there are extraordinary or unique circumstances relating to the physical character or configuration of the property such that the strict implementation of this program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.
- B. Variance permits shall be granted in a circumstance where denial of the permit will result in a thwarting of the policy enumerated in RCW 90.58.020, and in all such instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
- C. Variance permits may be authorized provided the applicant demonstrates all of the following:

reasonable factors.

- D. Date of Filing. The Date of Filing is defined as the following:
1. The date the Department receives the City's final decision on the permit application; or
 2. With respect to applications for conditional use or variance that have been approved by the City, the date the decision by the Department is transmitted by the Department to the City.
- E. Permit Rescission. Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that the permittee has not complied with conditions of the permit.
- F. Permit Revisions. Requests for revisions to substantial development, conditional use and variance permits shall be submitted and reviewed consistent with this section and WAC 173-27-100. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which was approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, this master program and/or the policies and provisions of the Act.
1. An applicant seeking to revise a permit shall submit a description of the proposed revision along with accompanying plans and any other information demonstrating that the proposed revision is consistent with the requirements set forth in this subsection.
 2. If the Administrator determines that the proposed changes are within the scope and intent of the original permit, as defined under WAC 173-27-100(2), and are consistent with this program and the Act, the Administrator may approve the revision.
 3. If the Administrator determines that the sum of the proposed revision and all previously approved revisions is not consistent with the requirements in subsection (2), the Administrator shall require that the applicant apply for a new permit.
 4. For each approved permit revision, the Administrator shall transmit said revised permit to the Department and notify parties of record consistent with the provisions set forth under subsection 15.04.160(H) of this program.
 5. If the original permit involved a conditional use or variance, the Administrator shall submit the revision to the Department for final approval, approval with conditions, or denial, and said revision shall state that it is being submitted to the Department for final action. The Department shall render and transmit to the City and the applicant its final decision within fifteen days of the date of its receipt of the submittal from the City. The Administrator shall notify parties of record of the department's final decision.
 6. The effective date of a revised permit for substantial development shall be the date of final decision by the Administrator. The effective date for a revised conditional use or variance permit shall be the date of final action by the Department.
 7. Appeals regarding final decisions on permit revisions shall be filed consistent with section 15.04.210 of this master program.

15.04.210 Appeals.

- A. Any person aggrieved by the granting, denying or rescinding by the City of Sumas of a

necessary corrective action within a specific time.

D. Appeal of Civil Penalty.

1. Persons incurring a penalty imposed by the City alone may appeal the same to the City Council pursuant to Section 15.04.210 of this program. Persons incurring a penalty imposed by the department or imposed jointly by the department and local government may appeal the same to the shorelines hearings board. Appeals to the shorelines hearings board are adjudicatory proceedings subject to the provisions of chapter 34.05 RCW.
2. Appeals shall be filed within thirty days of the date of receipt of the penalty. The term "date of receipt" has the same meaning as provided in RCW 43.21B.001.
3. Penalties imposed under this section shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of local government's and/or the department's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part. If the amount of a penalty owed the City is not paid within thirty days after it becomes due and payable, the City may take actions necessary to recover such penalty.
4. Penalties recovered by the City shall be paid to the City treasury. Penalties recovered jointly by the department and City shall be divided equally between the department and the City unless otherwise stipulated in the order.

E. Criminal Penalty. The procedures for criminal penalties shall be governed by RCW 90.58.220.

respectively construed to follow their centerlines;

3. Boundaries indicated as approximately parallel to or extensions of features indicated in subsection (1) and (2) above shall be so construed;
4. Boundaries indicated as approximately occurring at definite changes in topography, shoreforms, geology, soils, or vegetative cover shall be so construed.

- C. Whenever existing physical features are at variance with boundaries on the Official Shoreline Map, the Administrator shall interpret the boundaries. The Administrator's decision may be appealed to the City Council pursuant to Section 15.04.210 of this Program.

15.04.250 Aquatic Environment - Purpose.

The purpose of the "aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

15.04.260 Aquatic Environment - Permitted Uses.

Permitted uses in the Aquatic Environment include the following:

- A. Agriculture, limited to ongoing agricultural activities consistent with state regulations.
- B. Shoreline habitat and natural systems enhancement projects.

15.04.270 Aquatic Environment - Conditional Uses.

The following conditional uses may be permitted within the Aquatic Environment by the City Council upon application and in accordance with Section 15.04.180 of this Chapter:

- A. Aquaculture.
- B. Boat ramps.
- C. Docks.
- D. Dredging.
- E. In-stream structures.
- F. Landfill and excavation.
- G. Water dependent Recreational Development.
- H. Shoreline flood protection.
- I. Shoreline stabilization.
- J. Water dependent Transportation development, or when no other alternative location is feasible.
- K. Utilities where no other alternative location is feasible.

15.04.275 Aquatic Environment - Prohibited Uses.

The following uses are prohibited within the Aquatic Environment:

- A. Agriculture, new.
- B. Commercial development.
- C. Industrial development.
- D. Mining.

- E. Shoreline stabilization.
- F. Single-family residential on existing lots of record when no significant ecological impact on the area will result.

15.04.315 Natural Environment - Prohibited Uses.

The following uses are prohibited within the Natural Environment:

- A. Agriculture, new.
- B. Aquaculture.
- C. Boat ramps.
- D. Commercial development.
- E. Industrial development.
- F. Mining.
- G. Non-water oriented Recreational development.
- H. Solid waste disposal.
- I. Uses that would substantially degrade ecological functions or the natural character of the shoreline.
- J. Transportation development including, but not limited to, roads and parking areas.
- K. Utility development.
- L. Subdivision of property in a configuration that would require significant vegetation removal or shoreline modification that adversely impacts ecological functions.

15.04.320 Natural Environment - Site and Construction Standards.

- A. Unless otherwise specified, the construction standards of the underlying zoning district shall apply.
- B. Maximum building height. The maximum building height in the Natural environment is 28 feet.
- C. Shoreline setback. The minimum shoreline setback shall be 10 feet from the outer edge of the stream buffer required pursuant to Section 15.04.478 and 10 feet from the wetland buffer required pursuant to Section 15.04.473.

15.04.330 Shoreline Residential Environment - Purpose.

The purpose of the "shoreline residential" environment is to accommodate residential development and appurtenant developments that are consistent with the goals of RCW 90.58 and this Program. An additional purpose is to provide appropriate public access and recreational uses.

15.04.340 Shoreline Residential Environment - Permitted Uses.

Permitted uses in the Shoreline Residential Environment include the following:

- A. Agriculture, limited to existing and ongoing agricultural activities.
- B. Boat ramps.
- C. Docks.
- D. Landfill and excavation.

- A. Agriculture, limited to existing and ongoing agricultural activities consistent with state regulations.
- B. Commercial development.
- C. Industrial development.
- D. Landfill and excavation.
- E. Outdoor advertising and signs.
- F. Recreational development.
- G. Residential development.
- H. Shoreline habitat and natural systems enhancement projects.
- I. Transportation.
- J. Utilities.

15.04.390 Urban Conservancy Environment - Conditional Uses.

The following conditional uses may be permitted within the Urban Conservancy Environment by the City Council upon application and in accordance with Section 15.04.180 of this Chapter:

- A. Aquaculture.
- B. Boat ramps.
- C. Docks.
- D. Shoreline flood protection.
- E. Shoreline stabilization.
- F. Solid waste disposal, limited to transfer stations.

15.04.395 Urban Conservancy Environment - Prohibited Uses.

The following uses are prohibited within the Urban Conservancy Environment:

- A. Agriculture, new.
- B. Solid waste disposal facilities.

15.04.400 Urban Conservancy Environment - Site and Construction Standards.

- A. Unless otherwise specified, the size and construction standards of the underlying zoning district shall apply.
- B. Maximum building height. The maximum building height in the Urban Conservancy environment is 35 feet.
- C. Minimum shoreline setback. The minimum shoreline setback shall be 10 feet from the outer edge of the stream buffer required pursuant to Section 15.04.478 and 10 feet from the wetland buffer required pursuant to Section 15.04.473; provided, that the shoreline setback shall be increased to 50 feet from the outer limit of a site-specific buffer established in this Master Program.

15.04.410 Urban Conservancy-Wetland Environment - Purpose.

The purpose of the "urban conservancy-wetland" environment is to protect and restore ecological functions of open space, floodplain, and other sensitive lands where they exist in

- F. Residential development in Conservancy wetlands.
- G. Solid waste disposal facilities.

15.04.440 Urban Conservancy-Wetland Environment - Site and Construction Standards.

- A. Unless otherwise specified, the size and construction standards of the underlying zoning district shall apply.
- B. Maximum building height. The maximum building height in the Urban Conservancy environment is 35 feet; provided, that building heights up to 45 feet may be authorized through approval of a shoreline conditional use permit.
- C. Minimum shoreline setback. The minimum shoreline setback shall be 10 feet from the outer edge of the wetland buffer required pursuant to Section 15.04.473.
- D. All development shall be consistent with sections 15.04.471 through 15.04.474 of this program.

15.04.470 Critical Areas.

A. Generally.

Critical Areas include wetlands, fish and wildlife habitat conservation areas, frequently flooded areas, aquifer recharge areas and geologically hazardous areas. Where not specifically addressed within this Chapter, either directly or through reference, regulation of critical areas within shoreline jurisdiction shall be pursuant to applicable provisions codified in Chapter 15.20 SMC adopted by Ordinance No. 1400 in 2004 and amended by Ordinance No. 1687 in 2016; provided that projects that would otherwise require approval of a reasonable use exceptions pursuant to Section 15.20.450 shall be processed as and require approval of a shoreline variance pursuant to Section 15.04.190 of this chapter.

B. Wetlands.

The regulation of wetlands within shoreline jurisdiction shall be pursuant to Sections 15.04.471 through 15.04.475 of this Master Program.

C. Floodplains.

Development within portions of the 100-year floodplain that are also within shoreline jurisdiction shall be as follows:

1. Development on shorelands within the floodplain shall comply with the provisions of this Program as well as those codified in Chapter 14.30 SMC, Flood Damage Prevention, adopted through Ordinance Nos. 1035 in 1991, 1089 in 1993, 1105 in 1993, 1176 in 1996, 1216 in 1997, 1373 in 2003, 1376 in 2003, and 1399 in 2004, and 1738 in 2018, which are incorporated as part of this Program by reference; PROVIDED that, in the event of conflict between the provisions contained in each, the more restrictive provision shall apply.
2. Development on shorelands within the floodplain shall comply with a comprehensive flood hazard management plan developed pursuant to Chapter 86.12 RCW.
3. Development of hazardous waste treatment and storage facilities shall comply with the provisions of this master program, Chapter 14.30 SMC, which is incorporated as part of this Program by reference, and the requirements of the State Dangerous Waste Regulations, WAC 173-303; PROVIDED that, in the event of conflict between the provisions contained in each, the more restrictive provision shall apply.
4. New structural flood hazard reduction measures are allowed within shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary.

D. Rivers and streams – Critical Freshwater Habitat.

The regulation of rivers and streams within shoreline jurisdiction shall be pursuant to Sections 15.04.476 through 15.04.479 of this Master Program.

E. Steep Slopes.

A steep slope can be defined as a slope exceeding 40 percent and a minimum of 20 feet in height. The following regulations shall apply to all uses and developments potentially affecting shoreline bluffs and steep slopes.

1. All development shall comply with the applicable provisions set forth in Chapter 15.20 SMC adopted by Ordinance 1400 in 2004 and amended by Ordinance No. 1687 in 2016.

15.04.473 Wetlands - Performance requirements.

A. Basic Requirement.

Except as otherwise allowed pursuant to this Chapter, development or other regulated activities are prohibited within a regulated wetland or its standard buffer unless the site assessment report demonstrates that the proposal will not degrade the functions and values of the subject wetland and buffer or that all impacts to these areas will be fully mitigated. The following requirements shall apply:

1. Category I Wetlands. Regulated activities are prohibited within a Category I wetland and its standard buffer. Buffer reductions are prohibited.
2. Category II Wetlands. Regulated activities are prohibited within a Category II wetland and its standard buffer. Reduction of the standard buffer adjacent to a Category II wetland shall be permitted only where consistent with subsection (E), below, and only when all impacts are compensated at the expense of the developer through implementation of a mitigation plan prepared by a qualified wetland biologist consistent with the requirements set forth in Section 15.04.474.
3. Category III Wetlands. Regulated activities are prohibited within a Category III wetland and its standard buffer. Filling of a Category III wetland or reduction of the standard buffer adjacent to a Category III wetland shall only be permitted where consistent with subsection (E), below, and only when all impacts are compensated at the expense of the developer through implementation of a mitigation plan prepared by a qualified wetland biologist consistent with the requirements set forth in Section 15.04.474.
4. Category IV Wetlands. Regulated activities are prohibited within a Category IV wetland and its standard buffer, except as follows. Filling of a Category IV wetland or reduction of the standard buffer adjacent to a Category IV wetland shall only be permitted where consistent with Subsection (E), below, and only when all impacts are compensated at the expense of the developer through implementation of a mitigation plan prepared by a qualified wetland biologist consistent with the requirements set forth in Section 15.04.474.
- 4.5. Conservancy and Urban-2 Wetlands. The City has identified and mapped certain high-value wetlands that have been prioritized for increased protection under this Program. These high-value wetlands are identified as Conservancy on the Official Shoreline Map. Other wetlands not designated Conservancy are shown as Urban-2 on the Official Shoreline Map. Wetlands not shown on the Official Shoreline Map that are subsequently identified shall be designated Urban-2 unless they meet all of the following designation criteria: Category I or II, habitat function score of 6 or more, and one-quarter of an acre or larger in size. Other provisions of this Master Program notwithstanding, the filling of Conservancy wetlands shall require approval of a Variance.

B. Buffers.

Buffers are upland areas adjacent to wetlands that are intended to provide sufficient separation between the aquatic feature and the surrounding areas and uses to protect the wetlands from disturbance from human activities. Buffers also provide vital upland habitat for wildlife species that require wetlands as part of their life cycle. Buffers shall be measured horizontally in a landward direction from the delineated wetland edge.

C. Standard Buffers.

an undisturbed vegetated corridor at least 100 feet wide is provided between the wetland and another priority habitat:

Disturbance	Required Measure to Minimize Impacts
Lights	• Direct lights away from wetland
Noise	• Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer edge of the wetland buffer
Toxic runoff	• Route all new, untreated runoff away from wetland while ensuring wetland is not de-watered • Establish covenants limiting use of pesticides within 150 feet of wetland • Apply integrated pest management
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Impact Development techniques
Change in water regime	• Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	• Use best management practices to control dust

D. Increased Buffers.

If the standard buffer is not comprised of a relatively intact native vegetation community sufficient to protect the functions and values of the wetland, the Administrator shall increase the standard buffer OR the applicant may choose to enhance the standard buffer to meet the above standard. Any such buffer enhancement shall be undertaken at the sole expense of the applicant and shall be based on and incorporated into a mitigation plan prepared by a qualified biologist consistent with the requirements established at Subsection 15.04.474(G). The Administrator shall also increase the required buffer above the standard buffer width if it is determined that unique circumstances exist, either in terms of the sensitivity of the wetland or the intensity of the proposed land use, such that an increased buffer is necessary to protect the functions and values of the wetland.

E. Buffer Reductions.

	Reestablishment		
Category I	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

- D. Compensatory mitigation shall be provided on-site or off-site in the location that will provide the greatest ecological benefit and have the greatest likelihood of success, provided that mitigation occurs as close as possible to the impact area and within the same watershed as the permitted alteration. This provision may be waived upon demonstration through a watershed- or landscape-based analysis that mitigation within an alternative sub-basin of the same basin or within an approved mitigation bank would have the greatest ecological benefit and the greatest likelihood of success.
- E. All wetlands created, restored or enhanced as part of compensatory mitigation required pursuant to this Chapter shall be provided with buffers of sufficient size to protect their functions and values.
- F. All mitigation areas shall be protected and managed to prevent degradation and ensure long-term protection of critical area functions and values. Permanent protection shall be achieved through deed restriction, protective covenant or other protective measure.
- G. Mitigation Plan.

Where preparation of a mitigation plan is required, said plan shall be prepared by a qualified wetland biologist consistent with the Department of Ecology guidance document, Guidance on Wetland Mitigation in Washington State, and shall be approved by the Administrator. The mitigation plan shall be prepared based on the best available science and shall address the following:

1. The characteristics of the wetland;
2. The characteristics of the watershed contributing to the wetland;
3. The functions and values of the wetland to be protected by the buffer;
4. The characteristics of the buffer;
5. The intensity of the proposed adjacent land use;
6. The functions that the standard buffer is intended to provide at the specific location;
7. Proposed measures to reduce the adverse effects of adjacent land uses, such as lighting and noise restrictions, buffer fencing and signage, conservation easements, use of integrated pest management and limitations on application of pesticides, and use of low impact development techniques;
8. Proposed mitigation measures together with an analysis of the anticipated effectiveness of the proposed mitigation measures to protect the functions and values of the affected wetland and wetland buffer. Such mitigation shall include compensation for lost time when the wetland is unavailable to perform its function;
9. Proposed monitoring requirements to ensure the effectiveness of the proposed mitigation; and

- D. Storm water management facilities, limited to detention / retention / treatment ponds, media filtration facilities, and lagoons or infiltration basins, within a Category III or IV wetland buffer or stream buffer where the following criteria are met:
1. No other feasible alternative location exists;
 2. The width of the buffer between the storm water facility and the wetland or stream edge is not less than twenty-five feet;
 3. The facility is located, constructed, and maintained in a manner that minimizes adverse effects on the buffer and adjacent wetland or stream;
 4. The storm water facility meets applicable County or state storm water management standards; and
 5. Low impact development approaches have been considered and implemented to the maximum extent feasible.

Storm water management facilities within Category II wetland buffers may be considered as a conditional use.

- E. Storm water conveyance or discharge facilities such as dispersion trenches, level spreaders, and outfalls within a Category III, or IV wetland buffer or stream buffer where the following criteria are met:
1. Due to topographic or other physical constraints, there is no feasible location for the facility outside the buffer;
 2. The discharge facility is located as far from the wetland or stream edge as possible, and no closer than fifteen feet, and is designed and constructed in a manner that minimizes disturbance of soils and vegetation;
 3. The discharge outlet is designed to prevent erosion and promote infiltration where feasible;
 4. The discharge water meets state water quality standards; and
 5. Low impact development approaches have been considered and implemented to the maximum extent feasible.

Storm water management facilities within Category II wetland buffers may be considered as a conditional use.

- F. Passive recreation facilities that are part of a non-motorized trail system or environmental education program including walkways, wildlife viewing structures, and trails, in wetland and stream buffers provided that all of the following criteria are met:
1. Trails shall not exceed ten feet in width and shall be made of pervious material where feasible;
 2. The trail is constructed and will be maintained in a manner that minimizes disturbance of the buffer and the adjacent wetland or stream;
 3. Trails should generally be located in the outer twenty-five percent (25%) of the buffer area, except where shoreline access will occur;
 4. Trails shall be located to avoid removal of significant trees;
 5. Minor trail or walkway crossings are allowed only when alternatives are infeasible and when consistent with the mitigation standard of this program; and

- B. A Fish and Wildlife HCA site assessment shall be prepared by a qualified fish and/or wildlife biologist and shall include the following:
1. A. Identification of the type, location and extent of the habitat area on the project site;
 2. B. A habitat description and assessment of the functions and values of the habitat area, including a discussion of the species in question and the related plant and animal species, soils and hydrology.
 3. C. A regulatory analysis, including a discussion of any federal, state, tribal and/or local requirements or management recommendations that have been developed for the species and/or habitats in question.
 4. A mitigation plan, including a discussion of how the proposal and any proposed mitigation measures is sufficient to avoid or minimize adverse impacts to identified species and habitats.

15.04.478 Fish and wildlife habitat conservation areas - Performance requirements.

A. Basic Requirement.

A regulated Fish and Wildlife HCA or its standard buffer shall only be altered if the site assessment demonstrates that the proposal will not degrade the functions and values of the subject habitat.

B. Buffers.

Buffers are upland areas adjacent to fish and wildlife HCAs that are intended to provide sufficient separation between the habitat feature and the surrounding areas and uses to protect the habitat from disturbance from human activities. Buffers also provide vital upland habitat for wildlife species that require stream habitat as part of their life cycle. Buffers shall be measured horizontally in a landward direction from the ordinary high water mark (OHWM) or top of bank, as noted below, for stream habitats and from the outermost edge of upland habitat areas.

C. Standard Buffers.

1. The following standard buffers shall be established for the following fish and wildlife HCAs based on designation and classification. Standard buffers are assumed to be comprised of a moderately intact native vegetation community that is adequate to protect the functions and values of the resource at the time of the proposed activity.

Stream Habitat - Standard Buffers.

The following standard buffers shall be established for all Stream Habitats based on their classification:

River/Stream	Standard Buffer
Sumas River / Johnson Creek	In some locations site-specific buffers have been established through this Master Program and are identified as such on the Official Shoreline Map. In

below. Buffer reductions up to one-half of the percentage identified above may be authorized through a shoreline substantial development permit. Buffer reductions greater than one-half of but not exceeding the percentage identified above may be authorized through a shoreline conditional use permit. Except as otherwise allowed pursuant to this Chapter, reduction of a HCA buffer by greater than the percentage stated above, shall require approval of a shoreline variance. In those areas where a site-specific buffer has been established, buffer reductions are prohibited, except through approval of a shoreline variance.

2. Buffer Averaging.

Standard buffers may be reduced through the use of buffer averaging provided that the total buffer area is not reduced below the area that would result from use of the standard buffer, and provided, further, that the standard buffer is not reduced by more than 25 percent through approval of a substantial development permit and not by more than 40 percent through approval of a conditional use permit, and the use of buffer averaging will improve the overall protection of the resource. Buffer averaging may not be utilized in combination with buffer reductions based on mitigation, nor is it permitted in areas where a site-specific buffer has been established.

F. Limitation on Subdivision.

Properties located partially or wholly within a fish and wildlife habitat conservation area shall not be subdivided in such a way that would increase the impacts to the resource that would result from development of the proposed lots or parcels.

15.04.479 Fish and wildlife habitat conservation areas - Mitigation requirements.

- A. When a regulated activity is proposed within a fish and wildlife habitat conservation area or its associated buffer, the applicant shall demonstrate to the satisfaction of the Administrator that all reasonable efforts have been made to avoid, minimize and/or compensate for potential impacts consistent with the mitigation sequence established at Subsection 15.04.480(B).
- B. All projects that result in permanent loss or degradation of habitat functions and values due to a proposed reduction in a habitat conservation area or buffer area shall provide compensatory mitigation to offset proposed actions.
- C. Compensatory mitigation shall be provided on-site or off-site in the location that will provide the greatest ecological benefit and have the greatest likelihood of success, provided that mitigation occurs as close as possible to the impact area and within the same watershed as the permitted alteration. This provision may be waived upon demonstration through a watershed- or landscape-based analysis that mitigation within an alternative sub-basin of the same basin or within an approved mitigation bank would have the greatest ecological benefit and the greatest likelihood of success.
- D. All habitat conservation areas created, restored or enhanced as part of compensatory mitigation required pursuant to this Chapter shall be provided with buffers of sufficient size to protect their functions and values.
- E. All mitigation areas shall be protected and managed to prevent degradation and ensure long-term protection of critical area functions and values. Permanent protection shall be achieved through deed restriction, conservation easement, protective covenant or other protective measure.
- F. Mitigation Plan.

2. Minimizing the impacts by limiting the degree or magnitude of an action or by otherwise adjusting the action so as to reduce or avoid impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected area;
4. Reducing or eliminating the impact over time through preservation and/or maintenance through the course of the action; and
5. Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and the mitigation project and taking appropriate corrective measures;

15.04.490 Public Access.

- A. Public access requirements, as specified below, shall only apply to developments meeting any of the following criteria:
 1. Development on properties including or abutting the water's edge or ordinary high water mark; or
 2. Development on properties within 200 feet of the ordinary high water mark of the Sumas River or Johnson Creek.
- B. All subdivisions of more than 4 lots or units shall provide public access to the shoreline unless found to be infeasible or incompatible with the specific development location and if alternative opportunities for public access are available or can be provided.
- C. The City Council shall approve proposed public access improvements, where required, for each application. Public access requirements shall be based on both the proportionate amount of linear shoreline included in the property proposed for development and the public access potential of the site.
- D. Proposed public access improvements shall be consistent with and shall further the goals of the City's shoreline public access plan. Public access improvements may be provided either on- or off-site as approved by the City Council.
- E. Where public access is required, the City shall require granting of easements or dedication of land to ensure long-term access by the public. In such cases, the City shall provide property owners with appropriate indemnification as allowed by law.
- F. Commercial developments shall be required to provide either physical or visual public access to the shoreline through inclusion of a publicly accessible trail.
- G. Industrial developments shall be required to provide physical or visual public access to the shoreline through inclusion of a publicly accessible walkway or trail; provided that, no such public access shall be required in situations where such access would pose a threat to public health or safety or to private property.
- H. Residential developments that involve development of more than four ~~or more~~ units or lots shall be required to provide public access to the shoreline through inclusion of a walkway or trail.
- I. The City shall encourage all other uses to provide community or public access to the shoreline consistent with the City's shoreline public access plan.
- J. Shoreline development by public entities, including the City, port district, state agencies, and public utility district, shall include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment. Such public access measures can be provided off-site where consistent with the City's public access plan.

2. Buildings should incorporate architectural and design features that reduce scale such as setbacks, pitched roofs, offsets, angled facets, and recesses.
 3. Building surfaces on or adjacent to the water should employ materials that minimize reflected light and that do not detract from the surrounding area.
 4. Building mechanical equipment should be incorporated into building architectural features to the maximum extent possible. Where mechanical equipment cannot be incorporated into architectural features, a visual screen shall be provided consistent with building exterior materials that obstructs views of such equipment.
- D. The creation or maintenance of views and view corridors shall not result in a net loss of shoreline ecological function. The Administrator may require the Applicant to submit a site assessment / mitigation plan addressing proposed clearing of vegetation to ensure no net loss of shoreline ecological function.

15.04.520 Water Quality and Stormwater.

- A. All development within shoreline jurisdiction that includes the creation of new impervious surface or that has the potential to impact the water quality of adjacent shoreline areas, and/or the quantity or timing of stormwater shall demonstrate the following:
1. The proposed development is consistent with the Sumas Stormwater Management Plan, once adopted;
 2. The proposed development is consistent with the Department of Ecology 2012 Stormwater Management Manual for Western Washington or most current updated version once adopted; and
 3. The proposed development does not significantly alter the quality, quantity or timing of stormwater runoff.
- B. Consistency with the above requirements shall be provided through submittal of appropriate engineering studies, plans and reports.
- C. Shoreline development shall include measures to protect and maintain surface and ground water flow and quality in accordance with all applicable laws.
- D. Best management practices (BMPs) shall be implemented for all development within shoreline jurisdiction for the control of erosion and sedimentation.
- E. Low impact development techniques, consistent with the Ecology Stormwater Manual referenced in subsection (A)(2), above, shall be incorporated into all developments where feasible.

- k. Conversion of agricultural land to non-agricultural uses shall be consistent with the applicable environment designation, general, and use regulations.

B. Aquaculture.

1. Aquaculture is the culture of food fish, shellfish, or other aquatic plants and animals for commercial purposes.
2. Use Regulations:
 - a. Aquaculture development may be permitted as a conditional use in order to insure that the merits of each application are reviewed carefully.
 - b. Public access to and navigation on the surface of the water shall not be impaired, and existing opportunities for public access shall not be reduced.
 - c. Structures associated with aquacultural activities shall blend as much as possible with the surrounding environment.
 - d. Structures associated with aquacultural activity shall be restricted to one story, 20 feet in height, so as not to interfere with visual access to the shoreline.
 - e. No processing of any aquaculture product shall occur in or over the water unless specifically approved by permit. Shore-based structures and parking associated with aquaculture shall be regulated in the same manner as water-related industry.
 - f. Aquaculture shall only be permitted when the applicant provides information regarding design and location that supports the finding that such a development will not significantly degrade ecological function over the long-term, will not result in significant conflict with navigation and water-dependent uses, will not spread disease to native aquatic life, will not result in the establishment of new non-native species which cause significant ecological impacts, and will not significantly impact the aesthetic quality of the shoreline.
 - g. Aquaculture activities which would have a significant adverse impact on natural, dynamic shoreline processes or which would result in a net loss of shoreline ecological functions shall be prohibited unless all such impacts are mitigated.
 - h. Aquaculture practices shall be designed to minimize use of artificial substances and shall use chemical compounds that are least persistent and have the least impact on plants and animals.
 - i. Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste disposal standards. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation.
 - j. Applications for aquaculture development or uses shall include in their applications all information necessary to conduct a thorough evaluation of the proposed aquaculture activity.
 - k. Aquaculture activities shall comply with all applicable noise, air, and water quality standards. All projects shall be designed, operated and maintained to minimize odor and noise.

- i. Associated parking shall be set back from the ordinary high water mark at least 100 feet.
- j. Commercial developments that have the potential of providing views and scenic vistas to the shoreline will have priority and shall allow public access within the development and/or to public or private trails or walkways.
- k. Non-water-dependent commercial uses over water are prohibited except where necessary to support a water-dependent use.

D. Industrial Development.

- 1. This category includes industrial uses such as manufacturing, warehousing, intermodal freight transfer, and power generation.
- 2. Use Regulations:
 - a. Industrial uses shall be allowed in the following order of preference: water-dependent uses, water-oriented uses, and finally non-water-oriented uses.
 - b. Water-related industry is restricted to areas where water-related industries already exist.
 - c. Industrial development shall provide public access pursuant to Section 15.04.490 SMC.
 - d. Industrial developments shall be set back from the ordinary high water mark consistent with the building setbacks established for the applicable environment designation. Associated parking shall be set back from the ordinary high water mark at least 100 feet.
 - e. Industrial developments shall mitigate impacts to wetlands through wetland replacement or enhancement or, alternatively, provide other comparable means of enhancing the water resource and the public's visual and aesthetic enjoyment of these resources with the approval of the City.
 - f. Industrial developments should be designed and constructed to avoid, minimize or mitigate adverse impacts to the shoreline environment and to result in no net loss of shoreline ecological functions.
 - g. Wherever feasible, industrial development shall be required to incorporate environmental cleanup and restoration of the shoreline area in design plans.
 - h. Wherever feasible, industrial development shall be required to minimize the total amount of impervious surfaces on-site by cooperative use of parking and storage facilities by other industries.
 - i. New non-water-oriented industrial uses should be prohibited unless they are part of a mixed-use project and the use provides a significant public benefit with respect to SMA objectives, such as public access.
 - j. Non-water-oriented industrial uses that are not part of a mixed-use development may be allowed where adjacent to water areas where navigability is severely limited or where the site is physically separated from the shoreline by another property or a public right-of-way; provided that the use provides a significant public benefit with respect to SMA objectives.

areas for public parks shall be allowed, but shall be set back at least 100 feet from the ordinary high water mark.

- g. Overnight camping facilities shall be prohibited in the shoreline area.
- h. Recreation facilities shall not unduly burden or create conflict with adjacent shoreline uses.
- i. Any reconfiguration of stream channel morphology to provide safe access for fishing and other water-dependent recreational activities shall mitigate impacts to ensure no net loss of shoreline ecological functions and ecosystem-wide processes. Any such proposed action shall require approval of a City shoreline conditional use permit as well as Hydraulics Project Approval from the Washington Department of Fish and Wildlife.

H. Residential Development.

1. Residential development includes housing subdivisions or tract housing built by a person for resale, single family residences, townhouses, apartment houses, condominiums, camping clubs, or mobile home parks.
2. All residential development including residential development exempt from the shoreline permit requirement pursuant to Section 15.04.090 of this program shall comply with the following use regulations.
3. Use Regulations:
 - a. All residential structures, including accessory structures, located in the floodplain shall be constructed in conformance with this Program and Chapter 15.10, Flood Damage Prevention ordinance. Roadways, utilities and other development associated with residential development shall comply with the standards of this Program pertaining to those types of development.
 - b. Approved erosion and sedimentation control measures shall be employed during and as needed after construction. The Administrator shall review and approve the proposed erosion control method prior to the commencement of construction.
 - c. When feasible, residential development shall provide public or community access to the shoreline pursuant to Section 15.04.490 SMC.
 - d. Residential development shall mitigate impacts to wetlands through wetland replacement, enhancement or equivalent mitigation.
 - e. Residential subdivisions and conversions from non-residential uses shall be designed to avoid, minimize and mitigate adverse impacts to the shoreline environment to ensure no net loss of shoreline ecological functions and ecosystem-wide processes.
 - f. Residential subdivisions shall be designed to create lots of sufficient size and configuration to allow residences to be constructed without encroaching on required shoreline setbacks, designated vegetation conservation areas and areas with an environment designation of "Natural."
 - g. Where authorized through City development regulations, new residential development shall be developed as planned unit developments and shall cluster dwelling units to reduce physical and visual impacts on shorelines.

- j. Permitted roadways shall be low speed and designed to conform to existing topography, thus minimizing cut and fill.
- k. Transportation facilities shall be constructed of materials which will not adversely affect water quality or aquatic plants and animals over the long term. Elements within or over water shall be constructed of materials approved by applicable state agencies for use in water for both submerged portions and other components to avoid discharge of pollutants from splash, rain or runoff. Wood or pilings treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited. Preferred materials are concrete and steel.
- l. Parking facilities are not a water-dependent use and shall only be permitted in the shoreline area to support an authorized use where it can be demonstrated that there is no feasible alternative location away from the shoreline. Parking facilities shall be set back from the waters' edge and screened from less intense adjacent land uses by vegetation, undeveloped space, or structures developed for the authorized primary use.
- m. Parking areas shall be developed utilizing low impact development techniques whenever possible including but not limited to the use of permeable surfacing materials.
- n. RCW 36.87.130 prohibits the City from vacating any public road right-of-way which abuts a body of saltwater or freshwater except for port, recreational, educational or industrial purposes. Therefore, vacation, development, abandonment, or alteration of undeveloped City road ends within shoreline jurisdiction is prohibited unless approved in accordance with this Program and where consistent with state law and City street vacation ordinances.

J. Utilities.

- 1. Utilities are systems which distribute or transport various items including electricity, oil, gas, communications, sewage and water. The installation of this apparatus necessarily disturbs the landscape, but can be planned to have minimal visual and physical effect on the environment.
- 2. Use Regulations:
 - a. Construction of utilities is permitted provided that there is appropriate documentation that the facility cannot be feasibly located outside of shoreline jurisdiction due to uses served or the need to cross shorelands to connect specific end points.
 - b. With the exception of sewage treatment plants, all utilities shall be located underground wherever feasible. New overhead utilities shall only be located on shorelines when no reasonable alternative is available.
 - c. Major utility facilities, which include transmission lines, treatment plants and other similar facilities, shall only be permitted as conditional uses.
 - d. Utility facilities shall be designed, located and constructed to minimize harm to ecosystem-wide processes and other ecological functions.
 - e. Upon the completion of installation or maintenance projects on shorelands, the area affected shall be restored to pre-project configuration, replanted with native species wherever practicable or with pre-existing species, and provided with maintenance care until the newly planted vegetation is established.

SECTION EIGHT: SHORELINE MODIFICATION REGULATIONS

15.04.540 Specific Shoreline Modification Regulations

The following activities have been determined to have the potential for significant impacts to shorelines of the City. Therefore, specific requirements have been developed to ensure minimal impact on the shoreline. The applicable requirements shall apply to the following land use activities regardless of the Shoreline Environment Designations of the proposed locations. In the event of a conflict between the provisions of this Section and any other provisions of this Program, the more restrictive provisions shall apply.

A. Boat Ramps.

1. Boat ramps are permanent structures for launching watercraft. Development of boat ramps within the City's shoreline jurisdictional area is unlikely.
2. Regulations:
 - a. Boat ramps shall only be permitted in conjunction with water-dependent uses or public access.
 - b. Applications for boat ramps shall address the specific need that supports the development, as well as the design features and construction measures to be incorporated into the proposal to protect critical habitat and result in no net loss of ecological function.
 - c. Boat ramps shall be limited in size based on the minimum necessary to accommodate the proposed use.
 - d. New boat ramps shall be approved only if they provide public access to public waters, which are not adequately served by existing access facilities, or if use of existing facilities is documented to exceed the designed capacity.
 - e. Boat ramps shall be designed and constructed to safeguard the health, safety, and welfare of the community.
 - f. Review and approval of applications for boat ramps shall ensure that they are located at sites with suitable environmental conditions, shoreline configuration, and access, and where they do not create conflicts with neighboring uses.
 - g. Boat ramps shall be required to meet applicable public health, safety and welfare requirements; to avoid, or if that is not possible, to mitigate aesthetic impacts; and to protect the rights of navigation.
 - h. Boat ramps shall not permit associated moorage on waters of the state or boaters living on their vessels.

B. Docks.

1. Docks provide physical and visual access to the shoreline, but their construction can cause significant adverse impacts to the shoreline environment. Development of docks within the City's shoreline jurisdictional area is unlikely.
2. Regulations:
 - a. New docks shall only be permitted in conjunction with water-dependent uses or public access.

- f. Applications for dredging activities shall include the following information:
 - i. An analysis and physical description of the material to be dredged;
 - ii. Time schedule for dredging;
 - iii. Methods of dredging and disposal of spoils;
 - iv. Location, size, stability, and biological characteristics of the bedlands at and adjacent to the site; and
 - v. Chemical analysis of the spoil material if it is deemed necessary because of suspected pollution.
- g. Applications for dredging activities shall include the following studies:
 - i. A hydrogeological study, conducted by a qualified professional and approved by appropriate state agencies, which demonstrates that removal of specific quantities at specific locations will not significantly alter the natural processes of gravel transportation for the river system as a whole; and
 - ii. A biological study, conducted by a qualified professional and approved by appropriate state agencies, which demonstrates that removal will not significantly degrade habitat values for priority species or damage other ecological functions.
- h. Review of dredging and spoil disposal proposals shall assess:
 - i. The value of the dredge and disposal sites in their existing condition versus the proposed shoreline use to be created, relative to improved public access, economic, and environmental factors;
 - ii. The potential for the proposal to locate at a site where dredging and disposal are not required, and whether the proposed development could be redesigned to avoid the need for new and on-going maintenance dredging; and
 - iii. The potential for use of suitable dredge material to benefit shoreline resources.

D. Landfill and Excavation.

1. Landfill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Landfill can destroy the natural character of the shoreline and may contribute to increased erosion and siltation problems while reducing the existing water surface. Excavation is the surface removal or clearing of land. Such activities can also destroy the character of the shoreline and have adverse effects on shoreline ecological functions.
2. Regulations:
 - a. Landfill shall be permitted for the following purposes only:
 - i. Shoreline development in the floodplain for the purpose of elevating structures (including parking areas, roadways and railways) and buildings to comply with the City Flood Damage Prevention ordinance, where other means of compliance with the ordinance is not economically feasible.
 - ii. Development within a wetland consistent with the wetland management requirements of Section 15.04.470(B) SMC.

- ii. Public access;
- iii. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
- iv. Disposal of dredged material considered suitable under, and conducted in accordance with the dredged material management program of the department of natural resources;
- v. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible;
- vi. Mitigation action; or
- vii. Environmental restoration.

E. Outdoor Advertising and Signs.

1. Signs are publicly displayed boards whose purpose is to provide information, direction or advertising. Advertising and signs, because they are intended to be very visible, can have a great effect on the aesthetics of an area.
2. Regulations:
 - a. Off-premise signs and billboards are prohibited.
 - b. Size, height, density and lighting of signs shall be consistent with applicable City regulations.
 - c. In general, signs shall be constructed against buildings to minimize visual obstruction of the shoreline.
 - d. Communities and/or neighborhoods shall have no more than one sign at each street gateway that will be limited to the name of the community.
 - e. Signs are prohibited in the area between buildings and the ordinary high water mark to protect views of the water.

F. Shoreline Flood Protection.

1. Shoreline flood protection refers to flood protection along streamways and includes rip-rapping, beach fill, and dikes but excludes other shoreline stabilization measures pursuant to subsection 15.04.540(H).
2. Regulations:
 - a. Shoreline flood protection measures shall be located, designed and constructed so as to protect the natural character of the shoreline and minimize alteration of the shoreline environment.
 - b. Where flood protection measures such as dikes are planned, they shall be placed landward of the shoreline, including associated swamps and marshes and other wetlands directly interrelated and interdependent with the water body.
 - c. Flood protection measures which result in extensive modification or channelization of the streamway or shoreline are prohibited.
 - d. Shoreline flood protection measures shall be planned to maintain or restore as nearly as possible the natural condition of the shoreline.

- b. Shoreline stabilization measures shall be located, designed and constructed so as to minimize alteration of the natural character of the shoreline.
- c. Shoreline stabilization measures which result in the extensive modification of the shoreline environment shall not be permitted.
- d. Shoreline stabilization structures and facilities shall be designed and constructed based on approved plans prepared by a licensed professional engineer.
- e. Streamway features such as snags, uprooted trees, or stumps shall be left in place unless causing significant bank erosion or higher flood stages. Existing stream bank vegetation shall be preserved.
- f. Wherever possible, construction of shoreline stabilization structures and facilities shall incorporate opportunities for public access and shall provide for protection and restoration of ecological functions and ecosystem-wide processes.
- g. New or expanded structural shore stabilization for existing primary structures, including residences, roads, railroads, public facilities, etc. is prohibited unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by stream processes, and significant adverse impacts are mitigated to ensure no net loss of shoreline ecological functions and/or processes. Normal sloughing or erosion of streambanks by itself, without a geotechnical analysis, is not a demonstration of need.
- h. New shore stabilization for new development is prohibited unless it can be demonstrated that the proposed use cannot be developed without shore stabilization, and a geotechnical analysis documents that alternative solutions are not feasible or do not provide sufficient protection. The need for shore stabilization shall be considered in the determination of whether to approve new water-dependent uses. Proposed designs for new or expanded shore stabilization shall be designed in accordance with Department of Ecology and Department of Fish and Wildlife guidelines and certified by a qualified professional.
- i. New shore stabilization for new, non-water-oriented development is prohibited.
- j. Replacement of existing stabilization structures is based on need demonstrated by geotechnical analysis. Waterward encroachment of replacement structures is only allowed for residences occupied prior to January 1, 1992, or for soft shoreline stabilization measures that provide restoration of ecological functions.
- k. Geotechnical reports prepared to demonstrate need, including those for ecological restoration/toxic clean-up remediation projects, shall include estimates of rate of erosion and urgency associated with the specific situation. Hard armoring solutions should not be permitted unless the geotechnical report confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of the shoreline erosion. Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, the report may still be used to justify more immediate shoreline stabilization using soft measures.
- l. Bulkheads should only be used where other more natural appearing methods of shoreline stabilization are not feasible. Where possible, open type construction of bulkheads should be used. Where shoreline stabilization is allowed, it shall

**CITY OF SUMAS
SHORELINE MANAGEMENT MASTER PROGRAM**

PART THREE

CODE CHAPTER ADOPTED BY REFERENCE

- ◆ **SMC 14.30 – Flood Damage Prevention**
- ◆ **SMC 15.20 – Critical Areas**

14.30.205 Special flood corridor.**14.30.210 Critical facilities.****14.30.220 Manufactured homes.****14.30.230 Recreational vehicles.****14.30.240 AE and A1-30 zones with base flood elevations but no floodways.**

* Prior ordinance history: Ords. 885, 941 and 982.

14.30.010 Statutory authorization.

The Legislature of the state of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. (Ord. 1035 § 1.1, 1991)

14.30.020 Findings of fact.

(a) Flood hazard areas of Sumas are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 1035 § 1.2, 1991)

14.30.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;

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

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“Elevation certificate” means the official form (FEMA form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by community officials.

“Flood” or “flooding” means a general and temporary condition or partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation of runoff or surface waters from any source; and/or
- (3) Mudslides (i.e., mudflows) which are proximately caused by flooding.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administrator that included flood profiles, and the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at Section 14.30.130(1)(B).

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or

(1) "Substantial improvement" means any repair, reconstruction, rehabilitation, addition to or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement or repair.

The term includes structures which have incurred "substantial damage" regardless of the actual repair work performed.

(2) The term does not, however, include either:

(A) Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(B) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places; provided, that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirement of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Water-dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 1738 § 1, 2018; Ord. 1652 § 1, 2015; Ord. 1399 § 1, 2004; Ord. 1216 § 1, 1997; Ord. 1176 § 13, 1996; Ord. 1035 § 2, 1991)

14.30.060 Lands to which this chapter applies.

This chapter addresses all lands within the city of Sumas. There shall be an area designated as "special flood hazard zone." (Ord. 1035 § 3.1, 1991)

14.30.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study for Whatcom County, Washington and Incorporated Areas" dated January 18, 2019, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM) dated January 18, 2019, and any revisions thereto, are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and FIRM are on file at City of Sumas, City Hall, 433 Cherry Street, Sumas, Washington, and are incorporated by this reference as if fully set forth herein. (Ord. 1738 § 2, 2018; Ord. 1652 § 2, 2015; Ord. 1376 § 1, 2003; Ord. 1035 § 3.2, 1991)

14.30.080 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of the chapter by failure to comply with any of its requirements (including violations of conditions and safeguards

“Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques).

(2) Construction Materials and Methods.

(A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(C) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

(A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discard from the systems into floodwaters;

(C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

(D) Water wells shall be located on high ground that is not in the floodway.

(4) Subdivision Proposals.

(A) All subdivision proposals shall be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(D) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).

(5) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study

construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/of review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in Section 14.30.170(3)(B).

(D) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (1)(B) of this section.

(E) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level, e.g., a building constructed to the base flood level will be rated as one foot below that level. (Ord. 1738 § 4, 2018; Ord. 1105 § 1, 1993; Ord. 1089 § 1, 1993; Ord. 1035 § 3.8, 1991)

14.30.140 Development permit.

(a) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 14.30.070. The permit shall be for all structures including manufactured homes, as set forth in Section 14.30.050, and for all other development including fill and other activities, also as set forth in Section 14.30.050. The permit shall be processed as a Class I action pursuant to the provisions of Chapter 20.08 of this code.

(b) Application for a development permit shall be made on forms furnished by the Sumas city utilities superintendent and may be accompanied by payment of the fee(s) established under Chapter 3.30, and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the areas in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including the basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 14.30.130(2); and
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Ord. 1738 § 5, 2018; Ord. 1176 § 14, 1996; Ord. 1035 § 4.1, 1991)

14.30.150 Development permit exceptions.

Development in the area of special flood hazard other than the following shall require a floodplain development permit:

(i) Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and

(ii) Maintain the floodproofing certifications required in Section 14.30.140(b)(3).

(C) Maintain for public inspection all records pertaining to the provisions of this chapter.

(4) Alteration of Watercourses.

(A) Notify adjacent communities and the state of Washington, Department of Ecology, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator.

(B) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(5) Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 14.30.180. (Ord. 1738 § 7, 2018; Ord. 1035 § 4.4, 1991)

14.30.180 Appeal board.

(a) A request for a variance from the requirements of this chapter shall be processed as a Class III action pursuant to the provisions of Chapter 20.08.

(b) An appeal of any requirement, decision, or determination made by the utilities superintendent in the enforcement or administration of this chapter shall be processed pursuant to the provisions of Section 20.08.150.

(c) Those aggrieved by the decision of the Sumas city council, or any taxpayer, may appeal such decision to the Whatcom County superior court, as provided by law for the appeal of Sumas city council decisions.

(d) In passing upon such applications, the Sumas city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept on other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (c) Variances shall not be issued within the special flood risk zone if any increase in flood levels during the base flood damage would result.
- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary.
- (e) Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 14.30.180(d), or conflict with existing local laws or ordinances.
- (f) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- (g) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (a) of this section and otherwise complies with Sections 14.30.120(1) and (2).
- (h) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 1738 § 9, 2018; Ord. 1176 § 17, 1996; Ord. 1035 § 4.5-2, 1991)

14.30.200 Special flood risk zone.

Development within the special flood risk zone shall require issuance of a floodplain development permit pursuant to Section 14.30.140. Development other than the following is prohibited in the special flood risk zone:

- (1) Minor structures and additions for which a building permit is not required and which create no new residences;
- (2) Minor fills and excavations of less than twelve cubic yards for the purpose of maintenance which will not raise the level of land above that of the surrounding area;

quantity of excavation and removal of material from the floodplain that will result in no overall reduction in flood storage or flood conveyance. (Ord. 1738 § 10, 2018: Ord. 1687 § 23, 2016: Ord. 1373 § 1, 2003: Ord. 1035 § 5.1, 1991)

14.30.205 Special flood corridor.

(a) Prohibited Development. Development other than the following is prohibited within a special flood corridor; provided, that where applicable, issuance of a floodplain development permit shall be required:

- (1) Minor structures and additions for which a building permit is not required and which create no new residences;
- (2) Normal maintenance, repair, resurfacing, and rebuilding at comparable grade of bridges, streets and accessways;
- (3) Underground improvements;
- (4) Maintenance, repair, alteration, and like replacement of existing improvements;
- (5) Other minor development, such as open fences, signs, and small unenclosed structures. (Ord. 1738 § 11, 2018: Ord. 1216 § 2, 1997)

14.30.210 Critical facilities.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base floodplain. Construction of new critical facilities shall be permissible within the base floodplain if no feasible alternative site is available. Critical facilities constructed within the base floodplain shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base floodplain shall be provided to all critical facilities to the extent possible. (Ord. 1035 § 5.2-2, 1991)

14.30.220 Manufactured homes.

All manufactured homes to be placed or substantially improved within Zones A1—30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot or more above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 14.30.120(1). (Ord. 1399 § 2, 2004: Ord. 1035 § 5.2-3, 1991)

14.30.230 Recreational vehicles.

Recreational vehicles placed on sites are required to either:

- (1) Be on the site for fewer than one hundred eighty consecutive days;

**Chapter 15.20
CRITICAL AREAS**

Sections:

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15.20.020 Purpose and intent.

A. The intent of this chapter is to identify and define the types and qualities of certain critical areas within the Sumas community which contribute to or affect public health, safety and general welfare; and to protect those critical areas deemed important by the citizens of Sumas, the state of Washington, and the federal government. Critical areas addressed in this chapter include:

1. Geologically hazardous areas;
2. Fish and wildlife habitat conservation areas;
3. Aquifer recharge areas;
4. Frequently flooded areas; and
5. Wetlands.

B. The purpose of this chapter is to provide understandable and reasonable requirements for the use and development of land in proximity to critical areas, while protecting such critical areas based on the best available science. The requirements set forth herein are adopted in order to:

1. Minimize development impacts and protect the beneficial uses, natural functions and values of critical areas;
2. Prevent erosion and loss of slope and soil stability caused by grading or alteration of earth surfaces and removal of trees, shrubs and root systems of vegetative cover;
3. Protect the public against potentially avoidable losses from landslide, subsidence, and erosion; and
4. Meet the requirements of the Washington Growth Management Act (Chapter 36.70A RCW) with respect to the protection of critical areas. (Ord. 1687 § 1, 2016; Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.030 Interpretation.

In the interpretation and application of this chapter, all provisions shall be considered to be the minimum necessary and shall be liberally construed to serve the purposes of this chapter. (Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.040 Relationship to other regulations.

A. The regulations contained in this chapter shall apply as an overlay to other regulations established by the city. In the event of any conflict between these regulations and any other regulations, the more restrictive shall apply.

4. SEPA determination;
5. Shoreline conditional use permit;
6. Shoreline substantial development permit;
7. Shoreline variance;
8. Short subdivision;
9. Subdivision;
10. Zoning variance;
11. Zoning code amendment. (Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.080 Critical area review requirements.

A. Unless otherwise provided in this chapter, the city of Sumas shall complete a critical areas review prior to granting any permit or approval for a development activity or other alteration which is found likely to include, be adjacent to, or likely to affect the function of one or more critical areas.

B. As part of this review, the zoning administrator shall:

1. Verify the information provided by the applicant;
2. Confirm the nature, extent and type of any critical area identified;
3. Evaluate any required detailed studies;
4. Assess the impacts to critical areas likely to result from the proposed activity;
5. Determine whether the proposed activity is consistent with the purposes of this chapter;
6. Determine whether the proposed activity conforms to the applicable performance requirements included in this chapter; and
7. Determine whether the mitigation proposed by the applicant is sufficient to protect critical areas or adequately mitigate for potential impacts to critical area functions, and address public health, safety and welfare concerns consistent with the purpose and intent of this chapter.

C. Unless otherwise indicated, the applicant shall be responsible for the preparation, submission and expense

6. Construction of a residential structure upon the following soil classifications is exempt from review as a geologically hazardous area; provided, that the structure is designed in accordance with the Sumas building code as adopted in Chapter 14.02: 107 Mt. Vernon fine sandy loam, 123 Puget silt loam, 22 Briscot silt loam, 115 Oridia silt loam, 162 Sumas silt loam.
7. Activities involving artificially created wetlands or artificial watercourses intentionally created from nonwetland sites, including, but not limited to, grass-lined swales, irrigation and drainage ditches, stormwater detention facilities, and landscape features, except those features which were created as mitigation pursuant to city, state, or federal regulations.
8. Outdoor recreational activities which do not adversely impact critical areas or their buffers.
9. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling soil, planting crops, or changing existing topography, water conditions or water sources.
10. The lawful operation and maintenance of public and private diking and drainage systems which protect life and property; provided, that the activity does not further drain wetlands or further encroach on critical areas or their buffer. Maintenance of agricultural ditches should be limited to removing sediment in existing ditches to a depth equal to the depth at date of last maintenance.
11. Education and scientific research activities which do not adversely impact critical areas or their buffers.
12. Site investigation work necessary for land use applications such as surveys, soil logs, percolation tests and other related activities which do not adversely impact critical areas or their buffers. In every case, critical area impacts shall be minimized and disturbed areas shall be immediately restored.
13. Maintenance activities such as mowing and normal pruning; provided, that such maintenance activities are limited to existing landscaping improvements and do not expand into critical areas or associated buffers, do not expose soils, do not alter topography, do not destroy or clear native vegetation, and do not diminish water quality or quantity.
14. Habitat enhancement activities not required as mitigation; provided, that the project is approved by the U.S. Department of Fish and Wildlife, the U.S. Army Corps of Engineers, the U.S. Department of Agriculture, the Washington State Department of Fish and Wildlife or the Washington State Department of Ecology.

B. Exemption from critical areas review shall not constitute exemption from any other applicable provision of the Sumas Municipal Code.

approval; and

3. Documentation of compliance or substantiation of plans for compliance with all critical areas conditions imposed as part of the previous approval.

C. The zoning administrator shall review the waiver request and shall certify or reject the request based on demonstration of compliance with this chapter.

D. A copy of the waiver request and subsequent determination shall be included in the file for the proposed construction activity. (Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.105 Critical area maps.

A. In conjunction with adoption of this chapter, the city council shall adopt maps indicating the locations of known or potential aquifer protection areas, geologically hazardous areas, and upland wildlife habitat conservation areas within the city of Sumas. These maps shall be based on the best available scientific information and shall include natural resource information gathered through field inventory, as well as information prepared by state and federal natural resource agencies. These maps shall be hereafter referred to as the "critical area maps" of the city of Sumas. These maps shall be updated periodically to reflect new information and shall be made available to the public upon request.

B. The critical area maps shall be utilized as a source of generalized information and shall not be considered as absolute regulatory standards or as substitutes for site-specific assessment. The actual type, extent and boundaries of critical areas shall be determined by a qualified consultant on a site-specific basis according to the provisions established in this chapter. (Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.180 Application and fees.

For any proposed activity not found to be exempt pursuant to Section 15.20.090, the applicant shall provide critical areas information in conjunction with an application for any of the permits or approvals identified under Section 15.20.070(B). Such information shall be submitted on forms provided by the city. Minimum fees for processing of critical areas review and other services provided pursuant to this chapter shall be as established in Chapter 20.108. In addition to the established minimum fees, the applicant shall pay any cost incurred by the city for services provided by a qualified consultant retained by the city to perform critical areas review. (Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.190 Threshold determination.

A. Upon receipt and review of a properly completed application, the zoning administrator shall visit the subject property and make a threshold determination.

B. If the zoning administrator finds either that the project site includes or is adjacent to a known or potential critical area, or that the project could affect a critical area or critical area buffer, then the zoning administrator

administrator makes a finding that more or less information is deemed necessary to adequately address the critical area, the project's potential impacts, and proposed mitigation. Furthermore, the zoning administrator may waive the requirement for preparation of a detailed study when the administrator makes a finding, based on review of information available from reliable sources, that no critical area or critical area buffer or setback will be impacted by the proposed activity. All such findings shall be made in writing and shall be included in the project file. (Ord. 1687 § 4, 2016; Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.210 Final determination.

- A. Following submission of a detailed study that is both complete and accurate, the zoning administrator shall make a final written determination. The determination shall address the adequacy of the project, as proposed, to mitigate potential effects on the critical areas in question and to comply with applicable performance requirements. The determination shall be either favorable or unfavorable.
- B. A favorable determination shall be issued only if the proposed project is found to adequately mitigate its impacts on the critical areas and to comply with applicable performance requirements.
- C. An unfavorable determination shall be issued if it is found that the proposed project does not adequately mitigate its impacts to critical areas and/or does not comply with applicable performance requirements. The determination shall indicate the reasons for the finding and the areas of noncompliance. This determination may (at the zoning administrator's discretion) include recommendations for bringing the proposal into compliance. In response to an unfavorable determination, the applicant may request reconsideration of a revised mitigation plan. If the revisions are found to be substantial and relevant to the critical area review, the zoning administrator may reopen the review and make a new determination.
- D. If at any time prior to issuance by the city of an associated permit or approval, the zoning administrator receives reliable new information that a critical area may be impacted by the proposed activity, then the critical area review process shall be reopened pursuant to this chapter.
- E. Once all associated permits and approvals have been issued by the city, the final determination may not be reopened by the city and shall be considered final unless appealed pursuant to Section 20.08.150. (Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.230 Critical area mitigation—Generally.

- A. All proposed critical area alterations shall include mitigation: (a) necessary to prevent or reduce risk from a hazard posed by a critical area; or (b) sufficient to maintain the functions and values of the critical area or compensate for the lost functions and values. Mitigation shall include avoiding, minimizing, and/or compensating for adverse impacts to regulated critical areas through the following methods, and in the following order of priority:
1. Avoiding the impact altogether by not taking a certain action;

C. The bond shall be in the amount of one hundred twenty-five percent of either the estimated cost of the uncompleted mitigation measures, or the estimated cost of restoring the functions and values of the critical areas at risk, whichever is greater.

D. The period of the bond shall be three years, or until the additional activity or construction has been completed and passed the necessary inspections, whichever is longer. (Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.250 Frequently flooded areas.

A. Designation. Frequently flooded areas shall include those areas mapped by the Federal Emergency Management Agency (FEMA) as being within the one-hundred-year floodplain as shown on the adopted flood insurance rate maps prepared by FEMA. Such areas are also referred to as areas of special flood hazard.

B. Regulation. Development within frequently flooded areas shall be pursuant to the flood damage prevention ordinance now codified as Chapter 14.30.

C. Notification. All documents recorded with the county auditor in conjunction with subdivisions or other developments approved within frequently flooded areas shall include the following notification:

This property is located in an area that may be subject to inundation by floodwaters. For further information regarding this hazard, contact the Federal Emergency Management Agency, the Whatcom County Emergency Management Division or the City of Sumas.

(Ord. 1687 § 5, 2016)

15.20.260 Wetlands—Designation and classification.

A. Designation. Wetlands shall be identified and delineated according to the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0, 2010 or as revised) or currently approved federal manual and supplements.

B. Rating (Classification). Wetlands shall be rated (classified) as Category I, Category II, Category III, or Category IV based upon Washington State Department of Ecology's Wetlands Rating System for Western Washington (2014) or most recent update. (Ord. 1687 § 6, 2016)

15.20.270 Wetlands indicators.

The administrator shall use the following as indicators of the need for a wetland detailed study:

A. The site is located within an area listed as a wetland in the city critical areas inventory or critical area maps;

B. Documentation through any public resource information source that a wetland exists on or adjacent to the

activities are prohibited within a regulated wetland or its standard buffer unless the detailed study report demonstrates that the proposal will not degrade the functions and values of the subject wetland and buffer or that all impacts to these areas will be fully mitigated. The following requirements shall apply:

1. Category I Wetlands. Regulated activities are prohibited within a Category I wetland and its standard buffer. Buffer reductions are prohibited.
2. Category II Wetlands. Regulated activities are prohibited within a Category II wetland and its standard buffer. Reduction of the standard buffer adjacent to a Category II wetland shall be permitted only where consistent with subsection E of this section, and only when all impacts are compensated at the expense of the developer through implementation of a mitigation plan prepared by a qualified wetland biologist consistent with the requirements set forth in Section 15.20.300.
3. Category III Wetlands. Regulated activities are prohibited within a Category III wetland and its standard buffer, except as follows. Filling of a Category III wetland or reduction of the standard buffer adjacent to a Category III wetland shall only be permitted where consistent with subsection E of this section, and only when all impacts are compensated at the expense of the developer through implementation of a mitigation plan prepared by a qualified wetland biologist consistent with the requirements set forth in Section 15.20.300.
4. Category IV Wetlands. Regulated activities are prohibited within a Category IV wetland and its standard buffer, except as follows. Filling of a Category IV wetland or reduction of the standard buffer adjacent to a Category IV wetland shall only be permitted where consistent with subsection E of this section, and only when all impacts are compensated at the expense of the developer through implementation of a mitigation plan prepared by a qualified wetland biologist consistent with the requirements set forth in Section 15.20.300.

B. Buffers. Buffers are upland areas adjacent to wetlands that are intended to provide sufficient separation between the aquatic feature and the surrounding areas and uses to protect the wetlands from disturbance from human activities. Buffers also provide vital upland habitat for wildlife species that require wetlands as part of their life cycle. Buffers shall be measured horizontally in a landward direction from the delineated wetland edge; provided, that wetland buffers shall not extend into and beyond substantially improved surfaces, such as lawfully established structures and impervious surfaces.

C. Standard Buffers.

1. Standard Buffers Where No Minimizing Measures Are Required. The following standard buffers shall be established for all wetlands where no minimizing measures are required based on classification (rating) and level of function for wildlife habitat. Standard buffers are assumed to be comprised of an intact native vegetation community.

	For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer edge of the wetland buffer
Toxic runoff	- Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered - Establish covenants limiting use of pesticides within 150 feet of wetland - Apply integrated pest management
Stormwater runoff	- Retrofit stormwater detention and treatment for roads and existing adjacent development - Prevent channelized flow from lawns that directly enters the buffer - Use low impact development techniques
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	- Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion - Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	Use best management practices to control dust

D. Increased Buffers. If the standard buffer is not comprised of an intact native vegetation community sufficient to protect the functions and values of the wetland, the administrator shall increase the standard buffer or the applicant may choose to enhance the standard buffer to meet the above standard. Any such buffer enhancement shall be undertaken at the sole expense of the applicant and shall be based on and incorporated into a mitigation plan prepared by a qualified biologist consistent with the requirements established at Section 15.20.300(G). The administrator shall also increase the required buffer above the standard buffer width if it is determined that unique circumstances exist, either in terms of the sensitivity of the wetland or the intensity of the proposed land use, such that an increased buffer is necessary to protect the functions and values of the wetland.

E. Buffer Reductions.

1. Buffer Reduction Based on Mitigation. Where compensatory mitigation is provided at a 1:1 ratio, standard buffers for Category II, III and IV wetlands may be reduced; provided, that the standard buffer is not reduced by more than twenty-five percent. Reduction of the standard buffer of a Category I wetland is

mitigation to offset proposed actions.

C. Mitigation Ratios. The following ratios shall be used as a guide to determine the acreage of wetland or buffer to be created, restored or enhanced in relation to the acreage of wetland or buffer area lost:

Mitigation Ratio			
Wetland Category	Creation or Re-establishment	Rehabilitation	Enhancement
Category I	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

D. Compensatory mitigation shall be provided on site or off site in the location that will provide the greatest ecological benefit and have the greatest likelihood of success; provided, that mitigation occurs as close as possible to the impact area and within the same watershed as the permitted alteration. This provision may be waived upon demonstration through a watershed- or landscape-based analysis that mitigation within an alternative sub-basin of the same basin or within an approved mitigation bank would have the greatest ecological benefit and the greatest likelihood of success.

E. All wetlands created, restored or enhanced as part of compensatory mitigation required pursuant to this chapter shall be provided with buffers of sufficient size to protect their functions and values.

F. All mitigation areas shall be protected and managed to prevent degradation and ensure long-term protection of critical area functions and values. Permanent protection shall be achieved through deed restriction, protective covenant or other protective measure.

G. Mitigation Plan. Where preparation of a mitigation plan is required, said plan shall be prepared by a qualified wetland biologist consistent with the Department of Ecology guidance document, Guidance on Wetland Mitigation in Washington State, and shall be approved by the administrator. The mitigation plan shall be prepared based on the best available science and shall address the following:

1. The characteristics of the wetland;
2. The characteristics of the watershed contributing to the wetland;
3. The functions and values of the wetland to be protected by the buffer;
4. The characteristics of the buffer;

3. The utility line is located as far from the wetland or stream edge as possible and in a manner that minimizes disturbance of soils and vegetation;
4. Clearing, grading, and excavation activities are limited to the minimum necessary to install the utility line and the area is restored following utility installation; and
5. Buried utility lines are constructed in a manner that prevents adverse impacts to subsurface drainage, such as through the use of trench plugs; and provided, that the construction does not interrupt the ground water connection or percolation of surface water down through the soil column as demonstrated in a special study prepared by a hydrologist.

C. Public roads, bridges, and trails in Category II, III, and IV wetlands and their buffers, Category I wetland buffers, and streams and their buffers when no feasible alternative alignment is available and the facility is designed and constructed to minimize physical, hydrologic and ecological impacts, including placement on elevated structures as an alternative to fill, where feasible.

D. Stormwater management facilities, limited to detention/retention/treatment ponds, media filtration facilities, and lagoons or infiltration basins, within a Category II, III or IV wetland buffer or stream buffer where the following criteria are met:

1. No other feasible alternative location exists;
2. The width of the buffer between the stormwater facility and the wetland or stream edge is not less than twenty-five feet;
3. The facility is located, constructed, and maintained in a manner that minimizes adverse effects on the buffer and adjacent wetland or stream;
4. The stormwater facility meets applicable county or state stormwater management standards; and
5. Low impact development approaches have been considered and implemented to the maximum extent feasible.

E. Stormwater conveyance or discharge facilities such as dispersion trenches, level spreaders, and outfalls within a Category III or IV wetland buffer or stream buffer where the following criteria are met:

1. Due to topographic or other physical constraints, there is no feasible location for the facility outside the buffer;
2. The discharge facility is located as far from the wetland or stream edge as possible and is designed and constructed in a manner that minimizes disturbance of soils and vegetation;

3. The trail is constructed and will be maintained in a manner that minimizes disturbance of the buffer and the adjacent wetland or stream. (Ord. 1687 § 11, 2016)

15.20.320 Fish and wildlife habitat conservation areas—Designation.

Areas that meet any of the following criteria shall be designated as fish and wildlife habitat conservation areas (HCA) and shall be subject to the provisions of this chapter:

- A. Rivers, streams and creeks identified as waters of the state pursuant to WAC Title 222.
- B. Areas with which federally and/or state listed species have a primary association.
- C. State priority habitats and areas with which state priority species have a primary association.
- D. Naturally occurring ponds under twenty acres in size.

The foregoing notwithstanding, HCAs shall not include drainage ditches, irrigation canals and other similar artificial features that are within the boundaries of and maintained by a drainage improvement district, irrigation district or other similar agency. (Ord. 1687 § 12, 2016; Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.330 Fish and wildlife HCA indicators.

The zoning administrator shall use the following as indicators of the need for a fish and wildlife HCA detailed study:

- A. The site is located within an area listed as a fish and wildlife HCA in the city critical areas inventory or critical area maps;
- B. Documentation through any public resource information source that a fish and wildlife HCA exists on or adjacent to the site;
- C. A finding by a qualified biologist that the presence of a fish and wildlife HCA is likely;
- D. A reasonable belief by the zoning administrator based on local information that a fish and wildlife HCA may exist on or adjacent to the site. Such a belief shall be supported through consultation with a qualified consultant. (Ord. 1687 § 13, 2016)

15.20.340 Fish and wildlife habitat conservation areas—Detailed study requirements.

- A. All development subject to the provisions of this chapter that is within a designated HCA or within an area about which the administrator has information indicating that a HCA may be present or within a distance of two hundred feet of any such area shall be required to submit a detailed study report prepared by a qualified biologist.

Creek	
Sumas Creek	50 feet from the top of bank
Bone Creek	50 feet from the top of bank

2. Non-Stream Habitats. The administrator shall determine the appropriate buffer widths for other habitat conservation areas based on the best available information. Buffer widths for non-stream habitat conservation areas shall be as set forth in the following table:

Areas with which federally listed species have a primary association; and state priority habitats and areas with which priority species have a primary association	Buffers shall be based on recommendations provided by the Washington Department of Fish and Wildlife PHS Program; provided, that local and site specific factors shall be taken into consideration and the buffer width based on the best available information concerning the species/habitat(s) in question and/or the opinions and recommendations of a qualified professional with appropriate expertise
Natural ponds	Buffers shall extend 50 feet landward from the ordinary high water mark (OHWM) of ponds under 20 acres in size

D. Increased Buffers. If the standard buffer is not comprised of a moderately intact native vegetation community, the administrator shall increase the standard buffer to protect the functions and values of the resource and buffer areas or the applicant may choose to enhance the standard buffer to meet the above standard. Any such buffer enhancement shall be undertaken at the sole expense of the applicant and shall be based on and incorporated into a mitigation plan prepared by a qualified biologist consistent with the requirements established at Section 15.20.360. The administrator shall also increase the required buffer above the standard buffer width if it is determined that unique circumstances exist, either in terms of the sensitivity of the habitat or the intensity of the proposed land use, such that an increased buffer is necessary to protect the functions and values of the resource.

E. Buffer Reductions.

conservation easement, protective covenant or other protective measure.

F. Mitigation Plan. Where preparation of a mitigation plan is required, said plan shall be prepared by a qualified fisheries, wildlife or natural resource biologist and shall be approved by the administrator. The mitigation plan shall be prepared based on the best available science and shall address the following:

1. The characteristics of the habitat conservation area;
2. The characteristics of the watershed within which the habitat area is located;
3. The functions and values of the habitat conservation area to be protected by the buffer;
4. The characteristics of the buffer;
5. The functions that the standard buffer is intended to provide at the specific location;
6. The intensity of the proposed adjacent land use;
7. Proposed measures to reduce the adverse effects of adjacent land uses, such as lighting and noise restrictions, buffer fencing and signage, conservation easements, use of integrated pest management and limitations on application of pesticides, and use of low impact development techniques;
8. Proposed mitigation measures together with an analysis of the anticipated effectiveness of the proposed mitigation measures to protect the functions and values of the affected habitat conservation area and buffer;
9. Proposed monitoring requirements to ensure the effectiveness of the proposed mitigation; and
10. Proposed bonding to insure the completion and effectiveness of the proposed mitigation.

G. Completion of Mitigation. Where feasible, mitigation projects shall be completed prior to activities that will disturb habitat conservation areas or buffers. In all other cases, mitigation shall be completed as quickly as possible following disturbance and prior to use or occupancy of the activity or development unless such timing is found to be infeasible due to factors such as the optimal time of year for planting. The administrator may require the posting of a performance bond or other form of surety to insure that all required mitigation, including required monitoring and repair, is completed in a timely fashion and consistent with the approved mitigation plan. (Ord. 1687 § 16, 2016; Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.380 Geologically hazardous areas classification and designation.

Geologically hazard areas shall be classified as steep slopes, earthquake-sensitive areas and volcanic debris flow areas based on the following criteria:

Alteration of a steep slope or earthquake-sensitive area or a site within fifty feet of such area shall only be permitted if the detailed study indicates that the project has been designed such that the risks associated with the hazard area have been reduced to within acceptable levels. Where determined to be necessary based on the nature of the proposed activity and the site characteristics, any such mitigation of risks of a geotechnical nature shall be certified by a geotechnical engineer. (Ord. 1687 § 20, 2016; Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.420 Aquifer recharge area designation.

Aquifer recharge areas shall be designated based on meeting any one of the following criteria:

- A. Wellhead protection areas designated per Chapter 246-290 WAC, including, but not limited to, the Sumas wellhead protection area as established through the City of Sumas Wellhead Protection Program adopted on May 28, 1996;
- B. Sole source aquifers designated by the U.S. EPA per the Federal Safe Drinking Water Act;
- C. Areas designated for special protection as part of a groundwater management program per Chapter 90.44, 90.48 or 90.58 RCW or Chapter 173-100 or 173-200 WAC. (Ord. 1687 § 21, 2016; Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.430 Aquifer recharge area detailed study requirements.

All proposals that require SEPA review and are located within a designated aquifer recharge area shall be reviewed by the zoning administrator to determine the potential for adverse impacts to groundwater resources. If the potential for significant adverse impacts is present, then the zoning administrator shall require preparation of an aquifer recharge area detailed study. The detailed study shall be prepared by a qualified consultant with experience in preparing hydrogeologic site assessments. Evidence of these qualifications shall be included within the study. The detailed study shall include the following, in addition to the minimum requirements established in Section 15.20.200(B):

- A. A description of the existing hydrogeologic conditions of the project site and the proposed activity's potential to result in contamination of groundwater resources. (Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.440 Aquifer recharge area performance requirements.

Activities requiring preparation of an aquifer recharge area detailed study shall only be permitted if the detailed study indicates that the activity does not pose a significant threat to the underlying aquifer system. The zoning administrator shall establish mitigating conditions necessary to ensure protection of groundwater resources. (Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.450 Reasonable use exceptions.

- A. An exception from the provisions of this chapter may be granted by the city council. An application for an exception shall be processed as a Class III action pursuant to the provisions of Chapter 20.08. A filing fee as

measures to compensate for violations of this chapter which result in destruction, degradation, or reduction in function of critical areas or required buffer areas. (Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.470 Violations and penalty.

A. Violation—Penalty. Each day that a violation of this chapter continues shall constitute a separate offense and be punishable as such. Any violation of this chapter shall be punished as follows:

1. First Offense. The first offense shall be punished by a penalty of not more than two hundred fifty dollars, including all costs and assessments, and not less than one hundred fifty dollars, which minimum amount shall not be suspended or deferred.
2. Second Offense. The second offense within a five-year period shall be punished by a penalty of not more than five hundred dollars, including all costs and assessments, and not less than two hundred dollars, which minimum amount shall not be suspended or deferred.
3. Third or Subsequent Offense. A person committing a third or subsequent offense within a five-year period shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed one thousand dollars or imprisonment in jail not to exceed ninety days or by both such fine and imprisonment. The minimum sentence shall be two hundred fifty dollars, which amount shall not be suspended or deferred.

Law enforcement officers commissioned by the city are authorized to issue a notice of infraction upon certification that the officer has probable cause to believe, and does believe, that a person has committed an infraction contrary to the provisions of this chapter. The infraction need not have been committed in the issuing officer's presence except as otherwise provided by law.

B. Additional Remedies. In addition to the penalties provided in this section and any other remedy allowed by law, the city may bring an action to enjoin a violation of any provision of this chapter. In any action or suit brought under this section, the city, if it prevails, shall recover reasonable attorney's fees to be set by the court, in addition to its costs and disbursements. (Ord. 1400 § 1 (Exh. A) (part), 2004)

15.20.480 Definitions.

"Adjacent" or "adjacent to" generally means within a distance of two hundred feet from a critical area or, in some circumstances involving fish and wildlife habitat conservation areas, within a greater distance within which the project is likely to impact the critical area.

"Agriculture" or "agricultural activities" means those activities directly pertaining to the production of crops or livestock including but not limited to cultivation, harvest, grazing, animal waste storage and disposal, fertilization, the operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems and canals, and normal maintenance, operation and repair of existing serviceable structures, facilities, or improved areas.

who has recent, related experience as a professional geotechnical engineer.

"Groundwater" means all waters that exist beneath the land surface or beneath the bed of any body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

"Habitats of local importance" means a seasonal range or habitat element with which a designated species of local importance has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

"Native vegetation" means plant species which are indigenous to the area.

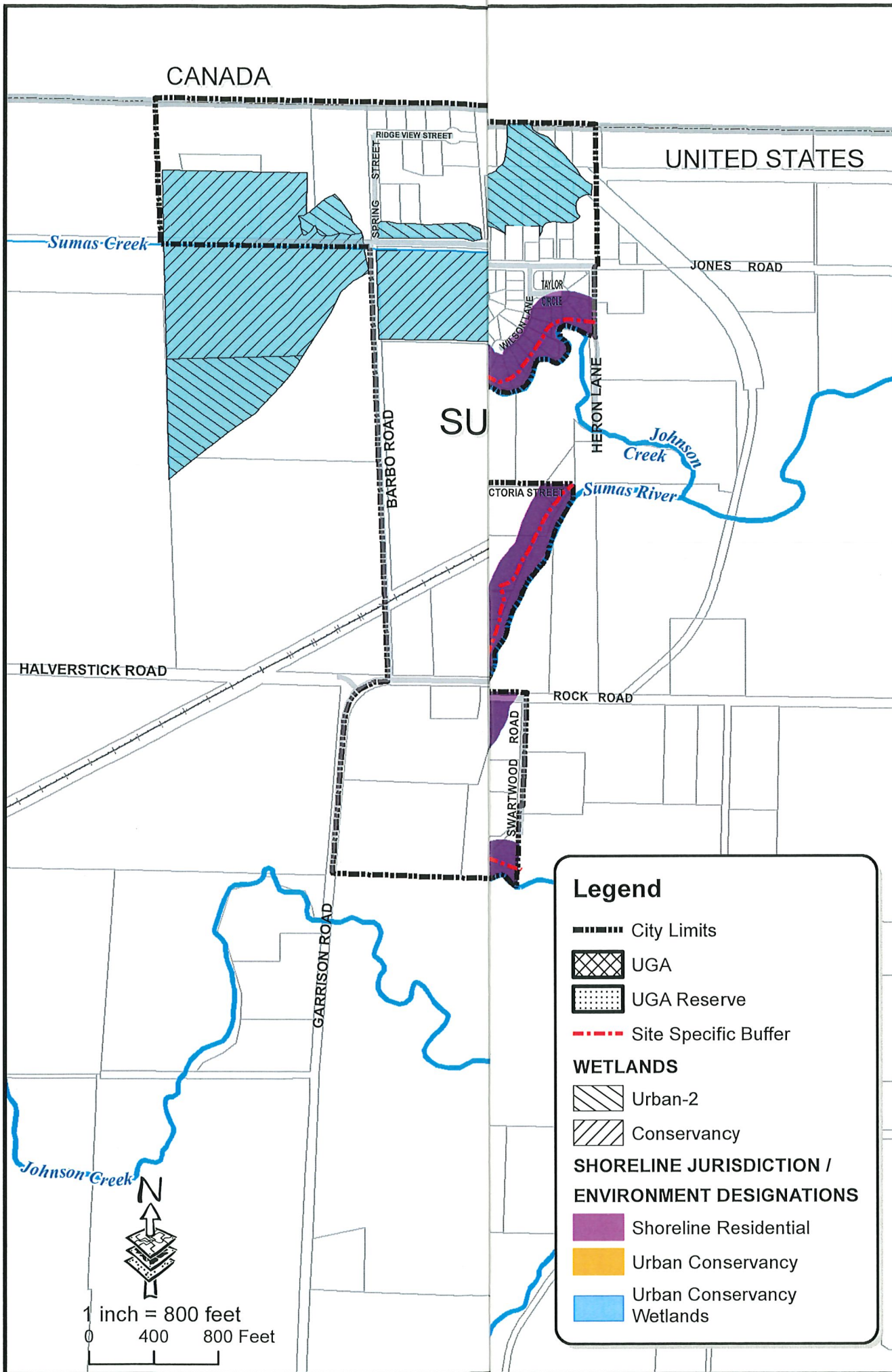
"Natural watercourse" means any stream in existence prior to settlement that originated from a natural source.

"Ongoing agriculture" means the continuation of any existing agricultural activity as defined in this section, including crop rotations.

"Primary association" means habitat used by a plant or animal species that is necessary for survival, but does not include incidental use areas.

"Wetland" 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 nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

"Zoning administrator" means the Sumas zoning administrator and/or their duly authorized agent. (Ord. 1687 § 22, 2016; Ord. 1400 § 1 (Exh. A) (part), 2004)



SHEET 1		OF 1	
DATE June 2021	SCALE 1 : 9,600	JOB NUMBER 2021-003	

CITY OF SUMAS SHORELINE MASTER PROGRAM
 WHATCOM COUNTY WASHINGTON

OFFICIAL SHORELINE MAP

City of Sumas
 A GREAT PLACE TO LIVE AND DO BUSINESS

Coordinate System:
 State Plane Washington North
 North American Datum 1983

Data Source:
 Walker & Associates Aerial 2002
 Whatcom County Planning & Assessor

Prepared By: Sehome Planning & Development
 Note: Areas not identified as being included in any specific environment designation shall be assigned a designation based on the criteria outlined in Section 15.04.230 of the Sumas Municipal Code.

Legend

- City Limits
- UGA
- UGA Reserve
- Site Specific Buffer

WETLANDS

- Urban-2
- Conservancy

SHORELINE JURISDICTION / ENVIRONMENT DESIGNATIONS

- Shoreline Residential
- Urban Conservancy
- Urban Conservancy Wetlands

