



Bellevue Planning Commission

Wednesday, July 22, 2009

6:30 to 10:00 p.m. ▪ Council Conference Room 1E-113

Bellevue City Hall ▪ 450 110th Ave. NE ▪ Bellevue, WA 98004

Agenda

6:30 p.m.

1. **Call to Order**
Pat Sheffels, Chair
2. **Roll Call**
3. **Public Comment***
Limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic
4. **Approval of Agenda**
5. **Communications from City Council, Community Council, Boards and Commissions**
6. **Committee Reports**
7. **Study Session**

7:00 p.m.

- A. **Shoreline Master Program**
Staff to propose a four-fold approach to Shoreline Master Program Update
Michael Paine, Heidi Bedwell & David Pyle, DSD
8. **Other Business**
9. **Approval of Minutes**
 - a. May 13, 2009
 - b. May 27, 2009
10. **Public Comment*** - *Limited to 3 minutes per person*
11. **Next Planning Commission Meeting – July 29 – Retreat**

9:00 p.m.

12. **Adjourn**

Agenda times are approximate

Planning Commission members

Pat Sheffels, Chair

Hal Ferris, Vice Chair

Douglas Mathews
William Lai
Jay Hamlin

Jennifer Robertson
Vicki Orrico

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** Unless there is a Public Hearing scheduled, "Public Comment" is the only opportunity for public participation.*

Wheelchair accessible. American Sign Language (ASL) interpretation available upon request. Please call at least 48 hours in advance. Assistance for the hearing impaired: dial 711 (TR).



DATE: July 14, 2009

TO: Chair Sheffels, Members of the Planning Commission

FROM: Michael Paine, Environmental Planning Manager, DSD
Heidi Bedwell, Associate Planner, DSD
David Pyle, Senior Planner, DSD

SUBJECT: Shoreline Master Program (SMP) Update—Bellevue File # 07-122342 AC

INTRODUCTION

At the July 22 study session, staff will begin the policy review necessary for the required SMP update. Staff proposes a four-fold approach to this work, with the object of giving the Commission a clear view of the path we propose to follow during the update process. To start, we will review the central role of the Guidelines in establishing the bookends around any policy or regulatory discussion. Second, staff will summarize the key components of a master program, so the Commission can see clearly the breadth of the work ahead. This summary and the attached table of contents (see Attachment 1) will serve as a touchstone to which we can return to measure our progress as we go forward. Third, we will propose a way to move forward updating the SMP and seek the Commission's guidance on how it would like to proceed. And fourth, we will begin the actual policy work by asking the Commission to consider purpose language and management policies for each adopted environment designation.

While this last step may seem premature, coming as it does prior to a reconsideration of the SMP's general goals and objectives, staff believes it makes sense to proceed given the Commission's recent review of the designations, coupled with the policy consistency that flows from their purpose. (It is important for the Commission to feel comfortable with the proposed roadmap, so if that is not the case please give staff direction on an alternative approach.)

BACKGROUND

Central Role of the Guidelines

While the Guidelines are designed to allow local government substantial discretion to adopt master programs that reflect local circumstances—for example, buffers in one community might be smaller, reflecting the prevalence of gradually sloping shoreline without extensive shoreline hardening, while in another they are larger to address the hazard of actively eroding, high-bluff

shoreline—they are nonetheless standards and criteria that Ecology uses to review, and ultimately, to adopt local master programs under RCW 90.58.090.

For each master program provision addressed in the guidelines, there is a discussion of applicability, a set of general principles, and a list of standards. The meat of the guidance is in the principles and the standards. The principles are essentially mandatory policies; the term “shall” is typically used in the imperative voice, meaning a mandate; the action is required—see 173-26-191(2) *Basic Requirements*.

Standards are equally directive but range in specificity; for example, in residential areas, in the absence of critical areas, the Guidelines do not spell out that one must use buffers, setbacks, or special vegetation management areas to ensure no net loss of ecological function. What the Guidelines insist is that there be no net loss of ecological function; buffers and management areas simply happen to be a very effective means to that end and are the most commonly accepted regulatory practice. Would Ecology approve a SMP update without buffers or setbacks for residential development? Perhaps, but a City would have to show their work in detail and demonstrate scientifically that it met the standard of no net loss of ecological function; a herculean task to say the least given the voluminous evidence of the effectiveness of buffers in protecting water resources and related habitat functions.

At the other end of the spectrum, the standards may prove quite specific; for example, in addressing structural stabilization they provide detailed and mandatory direction, including the requirement that structural stabilization shall not be permitted or replaced except in very specific and difficult to demonstrate circumstances. Whether talking about buffers or bulkheads, the ultimate arbiter is loss of ecological function; the difference is the degree of obligatory direction.

Similarly, the Guidelines are directive with respect to critical areas; critical areas within the shoreline area must receive protection that is at least equal to that provided by the local government’s critical area regulations, adopted pursuant to the Growth Management Act (RCW 36.70A). Thus, the protection offered wetlands, streams, steep slopes, shorelines and other GMA critical areas must be equivalent to that provided similar areas outside of shoreline jurisdiction.

In summary, contrary to public comment you have heard about the optional nature of the Guidelines, they in fact function like rules—they are contained in the Washington Administrative Code after all—that establish specific principles and standards that must be met to ensure successful adoption of a Master Program. As discussed above, the key is the concept of *no net loss of ecological function*; it is the end result to which all the principles and standards point. It is also the principle standard by which Ecology judges whether a master program meets the intent of the Guidelines. Should Ecology not be satisfied that an optimum implementation is

achieved, they may send back the SMP for reconsideration, or in extreme circumstances, adopt an alternative of their own.

Guidelines Depend on Science

Science plays a very important part in preparing an SMP. For example, following RCW 90.58.100 (1), local governments are instructed to “utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts and consider all plans, studies, inventories and systems of classification made or being made by federal, state, regional or local agencies . . . or by organizations dealing with pertinent shorelines of the state.”

This legal direction is implemented in the Guidelines in the requirement to incorporate “the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern.” This direction is further supported by the obligation that master program provisions be based on “an analysis incorporating the most current, accurate, and complete scientific or technical information available.”

The importance of science in supporting an updated SMP cannot be underestimated. Already we have heard comment that suggests the science that supports some of the regulatory steps proposed by cities around the lakes Washington and Sammamish is illusory or inadequate. This is decidedly not the case. We know, for example, that our activities today along lake shorelines affect a number of physical, biological and chemical processes that create and maintain habitat, and therefore the species that use our lakes. Likewise, our land management actions abutting our shorelines primarily affect riparian and littoral habitat structure, shading and shoreline habitat conditions. Our actions also affect water and sediment quality. These impacts are discernable and measurable. That said, science is never conclusive; instead scientific knowledge grows in fits and starts based on incomplete findings, tentative or conflicting theories, and repeated refutations until consensus sufficient to support policy exists. Staff believes we are at that point now with respect to shoreline issues; yes we have imperfect information, but it is sufficient to support some action, including regulatory action. That is not to say that there might not be changes or adjustments to our focus on bulkheads, piers, and shoreline vegetation as more information is gathered, but we believe there is ample evidence of their deleterious effects to continue to regulate them as we do know.

OVERALL ARCHITECTURE OF A MASTER PROGRAM

Because the Guidelines are relatively specific as to required content, an updated SMP, no matter the jurisdiction, will have very similar elements, although their order and relative emphasis may differ. The typical SMP contains multiple chapters addressing six broad categories that range from the general to the specific, from broad statements of purpose and intent to directive policies and regulations. Key components include: (1) goals and objectives; (2) shoreline jurisdiction and

environment designations; (3) shorelines of state wide significance; (4) existing uses; (5) policies and regulations; and, (6) permits and administration. (Please reference Attachment 1 for a typical table of contents.)

In the discussion below, staff has outlined the substantive components that represent key elements of the work program. In the discussion of each element, we have summarized what we believe to be the primary tasks and the level of effort required. Obviously some elements will be more controversial than others. While the Commission will naturally make a recommendation on a complete draft master program, including administrative components, the elements singled out here are those that staff believes contain the bulk of the substantive policy and regulatory work.

Goals and Objectives

This section addresses the elements required by RCW 90.58.100. (See June 30 memo from Kate Berens for detailed discussion.) The City's current SMP includes some of these elements, albeit in much abbreviated form, so staff believes the Commission's objective should be to review and modify these existing policies to bring them into alignment with the Guidelines, the Comprehensive Plan and the current state of science and practice. We estimate the level of effort for this task to be relatively low.

Environment Designations

This chapter is devoted to describing the various environment designations. Each designation is accompanied by a description of purpose, designation criteria, specific policies, use chart (outlining permitted uses) and, typically, a list of conditional uses. This chapter may also contain a description of the overall shoreline jurisdiction, describe the official shoreline map and include guidance as to how disagreements about boundaries can be resolved. Most of the Commission's work is complete in this area; the City has submitted a draft jurisdictional map to Ecology and the Commission has identified and approved application of the *aquatic, urban conservancy, urban conservancy—open space, shoreline residential, marina, and marina-civic* to appropriate parts of the shoreline. As part of that effort, the Commission discussed the range of appropriate uses in each designation. The next step (to begin at the July 22 study session) is to draft appropriate general policies and to identify uses that might be allowed only with a conditional use approval. We estimate the level of effort for what remains of this task to be moderate.

Shorelines of State Wide Significance

The SMA identifies certain shorelines as "shorelines of the statewide significance" and raises their status by setting use priorities and requiring "optimum implementation" of the act's policy. Both Lake Washington and Lake Sammamish are classified as shorelines of statewide significance because they exceed 1000 acres in size. Optimum implementation involves special

emphasis on statewide objectives and consultation with state agencies. For example, the presence of threatened anadromous fish species means, at a minimum, that the City, in developing its SMP, should consult with the Washington Departments of Fish and Wildlife and Ecology, the Governor's Salmon Recovery Office, and the Muckleshoot Indian Tribe.

Staff sees the Commission's primary role as developing a set of general policies that direct development on these shorelines in such a way as to ensure consistency with the policy direction established by RCW 90.58.020. On balance that means protecting statewide interest over local interest; preserving natural character; taking long-term or short-term benefit; protecting ecological resources; increasing public access in publically owned areas; and increasing recreational opportunities for the public. The Commission is also invited to add policies they deem appropriate for any other element defined in RCW 90.58.100. We estimate the level of effort for this task to be relatively low.

Existing Uses

The issue of existing uses and properties becoming non-conforming with any new land use regulation is a difficult issue and there is no reason to expect implementation of an updated SMP will be any different. A mechanism for allowing for the varying of the application of use regulations in an SMP is a mandatory component (see RCW 90.58.100(5)). As a consequence, the Guidelines require that all master programs "shall include standards for reviewing conditional use permits and variances that conform to chapter 173-27 WAC. At present, staff is working to develop an approach to existing uses that meets the intent of the Guidelines while giving the greatest possible assurance to property owners. We expect this to be a contentious issue and the level of effort high.

General Policies and Regulations

The Guidelines require that an updated SMP have generalized policies and regulations for a range of use and development activities that apply to all shorelines, or to shoreline areas that meet specific criteria, irrespective of environment designation. The Guidelines identify six areas for this type of treatment: Archaeological and historic resources; critical areas; flood hazard reduction; public access; shoreline vegetation conservation; and, water quality, storm water, and nonpoint pollution. Given the controversial nature of some of the policy areas, and the fact that this section is relatively sparse in the City's existing SMP, we estimate the level of effort for this task to be moderate.

Policies and Regulations for Shoreline Use and Modification

This chapter contains most of the specific policy and regulation that is the focus of day-to-day permitting on the shoreline, including: shoreline stabilization; piers and docks; boating facilities (marinas and boat launch ramps); residential and commercial development; recreational uses; and transportation and parking.

The Guidelines make a particular point of distinguishing between shoreline modifications and shoreline uses and the Guidelines devote a special section, WAC 173-26-231, to principles and standards for shoreline modifications. Modifications are generally related to construction of a physical element such as a pier, bulkhead, or fill, but can include other actions such as clearing and grading, or significant vegetation removal.

A separate section, WAC 173-26-241, contains principles and standards for common uses on the shoreline. It is this section, in combination, with the one above, that makes up the majority of the City's current master program. While most of the standards date to the original adoption of the SMP, the City updated its shoreline stabilization and pier standards as part of the 2006 critical areas update. The existing shoreline structure setback was converted to a critical area buffer at the same time. Because regulation of shoreline modification, especially piers and bulkheads, along with buffers and vegetation management, are controversial, we expect the level of effort to be high and we anticipate spending several meetings working through options and receiving public comment.

Proposed Way Forward

In tackling all of these major subject areas of the SMP, staff proposes to work from the general to specific, from policy to regulation, while exploring gaps in coverage in both. If policy or standards exist, we will recommend changes for your review based on input from the public opinion survey, focus groups, public comment, Comprehensive Plan direction, the inventory and analysis, and the Guidelines. Where no policy or standard exists for a required element, staff will prepare policies and standards for consideration by the Commission subject to the same elements listed above. As previously articulated, staff recommendations to you will not tread new ground where prior policy and standards are believed adequate. Instead, that work will serve as the starting point for discussion with the Commission.

It would be very helpful to have the Commission articulate whether they want to get the policy work out of the way and then turn to the regulation, or whether you would like to focus on policy and regulations together. Staff proposes to develop policy language with the Commission and then sketch the regulatory implementation, coming back later with the actual code language, but we are open to a different way of working. It may be more appropriate to focus the

Commission's energy on getting the most important regulatory issues out of the way. In either case, the focus should be on generating a robust discussion of the issues.

As part of an effort to more fully inform the Commission, staff suggests the Commission consider receiving special briefings by appropriate experts, professionals and citizens. At present, we have identified the potential need for a science panel, contractor's panel, and a citizen panel.

MANAGEMENT POLICIES FOR SHORELINE ENVIRONMENTS

The Commission directed staff to proceed with six shoreline environment designations. They include: *Urban Conservancy*, *Urban Conservancy—Open Space*, *Aquatic*, *Shoreline Residential*, *Marina* and *Marina Civic*. The purpose of the shoreline environments is to provide a systematic, rational, and equitable basis to regulate development within specific shoreline reaches. Based on the analysis provided by the Inventory and Characterization, the shoreline environments are designated sub-units that function much like zoning overlays within shoreline jurisdiction in that they reflect existing land use patterns and biological and physical characteristics. Taken together, they form the organizing principle for building a master program and provide a system for assigning different standards based on characteristics of different geographic areas. Most important, the assignment of an environment designation determines the range of uses that can be permitted, so considerable care must be taken to ensure that the designation and proposed uses are compatible.

In what follows, staff has attempted to draft preliminary management policies for each environment designation. The object of these policies is to distinguish the differences between the various environments, to make clear the preferred uses, and to provide guidance for development of specific policies later in the process.

URBAN CONSERVANCY

Purpose

The purpose of the "urban conservancy" environment is to retain or restore shoreline ecological functions where important ecological processes have not been substantially degraded by urban development. The primary management goal is to focus restoration where benefits to overall functions and processes can be realized while allowing a range of compatible uses with a special focus on shoreline recreation and public access to the shoreline. This goal should be furthered by keeping the overall intensity of development low and by husbanding or enhancing the area's natural character.

Designation Criteria

The urban conservancy area is applied to shoreline areas with moderate to high levels of existing ecological function for which existing and planned development is compatible with maintaining or restoring ecological functions. Included are those areas:

- A. Where development activities and uses are confined to those activities that support recreation, public access, or low-density residential uses and that are compatible with ecological restoration
- B. Where ecological functions are more intact than areas designated shoreline residential
- C. Where there is obvious potential for ecological restoration.
- D. Which contain critical areas or cultural features that require more than normal restrictions on development and use.

Management Policies

Urban Conservancy	WAC Guideline	Staff Recommends
<p>Proposed Policy: Limit uses in the Urban Conservancy Environment to those that sustain the shoreline areas physical and biological resources or to uses to do not substantially degrade ecological processes and functions while providing water dependent and water –enjoyment uses that occur in a manner that compatible with protection of existing ecological functions and processes.</p> <p>WAC Guideline: Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses resulting in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.</p> <p>Policy SH-4: Give priority to uses and activities which improve or are compatible with the natural amenities of the shorelines, provide public access, or depend on a shoreline location</p> <p>Policy SH-12: Designate and preserve environmentally sensitive areas. If necessary control access and use for the protection of these areas</p> <p>Policy SH-17: Protect and restore shoreline areas which have historical, cultural, educational, or scientific value.</p>	✓	✓
<p>Proposed Policy: Standards should be established for shoreline</p>	✓	✓

stabilization measures, vegetation conservation, water quality, shoreline modification and impervious surface in the <i>urban conservancy</i> designation. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values		
Proposed Policy: Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.	✓	✓
Proposed Policy: Water-oriented uses should be given priority over non-water oriented uses. Water dependent uses that do not deplete the resource over time, such as boating, angling, wildlife viewing, trail walking, swimming beaches, should be given highest priority.		✓
Proposed Policy: Standards should be established for existing non-residential development in the Bellefield Urban Conservancy area requiring new construction as a conditional use and providing partial compliance standards for repair and maintenance of existing structures and ancillary development.		✓
Proposed Policy: Commercial activities enhancing the public's enjoyment of publically owned shorelines may be appropriate provided this occurs in a manner that is compatible with protection of existing ecological functions and processes and the uses that occur.		✓

URBAN CONSERVANCY—OPEN SPACE

Purpose

The purpose of the *urban conservancy-open space* environment is to retain or restore shoreline ecological functions where important ecological processes have not been substantially degraded by urban development. The primary management goal is to focus restoration where benefits to overall functions and processes can be realized while allowing a range of less intensive recreational uses than found in *urban conservancy*. Here the focus is on dispersed, low-intensity recreation, with walking, running, wildlife viewing and scientific education being the primary uses. This goal should be furthered by keeping the overall intensity of development low and by husbanding or enhancing the area's natural character.

Designation Criteria

The urban conservancy area is applied to shoreline areas with relatively high levels of existing ecological function for which existing and planned development is compatible with maintaining or restoring ecological functions. Included are those areas:

- E. Where development activities and uses are confined to those activities that support low intensity, dispersed recreation, or other low intensity uses and that are compatible with ecological restoration
- F. Where ecological functions are more intact than areas designated urban conservancy
- G. Where ecological function is high and ecological processes are mostly intact and where there is obvious potential for ecological restoration.
- H. Which contain critical areas or cultural features that require more than normal restrictions on development and use.

Management Policies

Urban Conservancy-Open Space	WAC Guideline	Staff Recommends
<p>Proposed Policy: Limit uses in the Urban Conservancy—Open Space Environment to those that sustain the shoreline areas physical and biological resources or to uses to do not substantially degrade ecological processes and functions while providing a range of low intensity recreational opportunities</p> <p>WAC Guideline: Uses that preserve the natural character of the area or promote preservation of open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses resulting in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.</p> <p>Policy SH-4: Give priority to uses and activities which improve or are compatible with the natural amenities of the shorelines, provide public access, or depend on a shoreline location</p> <p>Policy SH-12: Designate and preserve environmentally sensitive areas. If necessary control access and use for the protection of these areas</p> <p>Policy SH-17: Protect and restore shoreline areas which have historical, cultural, educational, or scientific value.</p>	✓	✓
<p>Proposed Policy: Standards should be established that limit development and disturbance of vegetation that would reduce the capability of vegetation to perform ecological functions. Similarly,</p>	✓	✓

standards should be developed limit the use of shoreline stabilization measures and preserve water quality, shoreline modification and impervious surfaces. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values		
Proposed Policy: Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be limited or avoided.	✓	✓
Proposed Policy: Low intensity recreational uses are favored provided significant disruption of wetland and shoreline functions does not occur. Water-oriented uses should be given priority over non-water oriented uses. More active uses involving large numbers of people should be avoided with priority to dispersed, low-intensity uses. Uses to be encouraged include low intensity recreational, scientific, historical, cultural and educational uses, provided no significant ecological impact occurs as a result		✓
Proposed Policy: Existing low intensity agriculture may be maintained when it is limited to best management practices and does not occur in a manner inconsistent with the purpose of the designation.		✓
Proposed Policy: Except for existing agricultural uses, commercial activities should be avoided except those that facilitate low intensity recreational opportunities such as dispersed personal watercraft access and science education and training		✓

AQUATIC

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.

Designation Criteria

An "Aquatic" environment designation will be assigned to shoreline areas waterward of the ordinary high-water mark.

Management Policies

Aquatic	WAC Guideline	Staff Recommends
<p>Proposed Policy: New over-water structures should be prohibited except for water-dependent uses, public access, or ecological restoration.</p> <p>Policy SH-50: Lake Washington and Lake Sammamish: Discourage construction of multiple or expanded piers except where public access is needed.</p> <p>Comp Plan Discussion: Piers should be used only for pleasure craft, water-dependent recreation, commercial uses, and required emergency vessels on a temporary basis.</p> <p>Policy SH-51: Lake Washington and Lake Sammamish: Consider the use of buoys and floating docks for moorage as a preferred alternative to the construction of piers.</p> <p>Comp Plan Discussion: Buoys and docks should be placed as close to shore as possible to minimize navigation hazards.</p> <p>Policy SH-52: Inland Shoreline Areas: Limit piers in the Mercer Slough to minimal construction for ease of pedestrian and small nonmotorized craft access.</p> <p>Comp Plan Discussion: Only small non-motorized craft such as canoes and rowboats should use these slough facilities.</p>	✓	✓
<p>Proposed Policy: The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.</p>	✓	✓
<p>Proposed Policy: In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities should be encouraged.</p>	✓	✓
<p>Proposed Policy: All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.</p>	✓	✓
<p>Proposed Policy: Uses that adversely impact the ecological function of critical saltwater and freshwater habitats should not be allowed except where necessary to achieve the objective of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions. <i>Staff Comment: Modify to focus only on freshwater habitat.</i></p>	✓	✓

Proposed Policy: Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.	✓	✓
Proposed Policy: New overwater residences are not an allowed use and shall not be permitted.		✓
Proposed Policy: Developments within the aquatic environment shall be compatible with the adjoining upland environment.		✓
Proposed Policy: Fill shall be prohibited except for shoreline restoration.		✓
Proposed Policy: New utility facilities shall be prohibited except where there is no feasible alternative. <i>Staff Comment: Consider how existing facilities should be treated.</i>		✓

SHORELINE RESIDENTIAL

Purpose

The purpose of the "Shoreline Residential" environment is to accommodate single or multifamily residential development and appurtenant structures that are consistent with this shoreline master program and the protection of ecological functions. An additional purpose is to provide appropriate public access and recreational uses.

Designation Criteria

A "Shoreline Residential" environment designation will be assigned to City of Bellevue's shorelands if they are predominantly residential development or are planned for residential development.

Management Policies

Shoreline Residential	WAC Guideline	Staff Recommends
Proposed Policy: Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of 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	✓	✓

<p>planning considerations.</p> <p>Local governments may establish two or more different “shoreline residential” environments to accommodate different shoreline densities or conditions, provided both environments adhere to the provisions in this chapter.</p>		
<p>Proposed Policy: Multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities. <i>Staff comment: This would apply to newly created developments and not existing developments retroactively.</i></p>	✓	✓
<p>Proposed Policy: Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.</p>	✓	✓
<p>Proposed Policy: Commercial development should be limited to water-oriented uses. <i>Staff comment: May want to add language to assure new developments consider residential character of lands in the “Shoreline Residential” environment.</i></p>	✓	✓
<p>Proposed Policy: Water-oriented recreational uses should be allowed. <i>Staff comment: This language would allow park oriented uses in the residential designation.</i></p>		✓
<p>Proposed Policy: New residential development should be located and designed so that future shoreline stabilization is not required.</p>		✓
<p>Existing Policies For Discussion:</p> <p>Policy SH-36: Lake Washington and Lake Sammamish: Recognize the potential for a mix of uses compatible with the predominantly single-family residential character of the Lake Washington and Lake Sammamish shorelines.</p> <p>Policy SH-37: Encourage new subdivisions along shorelines to share private shoreline facilities in common.</p> <p>Comp Plan Discussion: It is important in a subdivision that piers, swimming areas, and boat moorage are shared to avoid cluttered development along the shorelines and to help protect environmentally sensitive areas.</p>		

MARINA

Purpose

Marinas are water dependent private or public port facilities that include boat launching, boat storage, boat moorage, and general boat services. Marinas also provide parking areas for automobiles, waste collection, boat sales or rental activities, retail establishments including fueling service, and boat repair or servicing facilities. Due to a demand for boat storage and launching facilities within the City, Bellevue's shorelines will continue to be heavily pressured for this type of use. Depending on their size, marinas can be hubs of activity for boat and automobile traffic. They generate noise, air, and water pollution and are prominent space users of shoreline resources. If designed and regulated appropriately marinas can efficiently serve in providing access to a larger population of the City's residents while achieving an objective of no net loss in ecologic function and protection of adjacent uses. The overall purpose of the Marina environment is to provide for a variety of water-oriented uses, with a primary focus on water-dependent and water-related activities associated with recreational boating. The Marina environment is not intended to support heavy commercial and industrial uses, however, limited non water-oriented commercial uses should be allowed when part of a mixed-use marina development that incorporates public access and ecological restoration.

Designation Criteria

The Marina environment designation shall be applied to those areas along the Bellevue shoreline currently used as private marinas for water dependent recreational boating uses that serve the Bellevue community. Additional Marina areas may be designated as demand for recreational boating facilities increases. Marina environment locations should not interfere with navigation or the public's use and enjoyment of the water and marina sites should be developed and operated with the objective of achieving no net loss in ecological function within the context of the aquatic resources they rely on. Marinas should also be located in areas with minimum dredging requirements and where impacts to adjacent uses and property can be minimized.

Management Policies

Marina	WAC Guideline	Staff Recommends
Proposed Policy: In regulating the Marina environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non water-oriented uses should not be allowed except as part of mixed use developments. Non water-oriented uses may also be allowed in limited situations where they do not conflict with or limit	✓	✓

<p>opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning, as described in WAC 173-26-200 (3)(d).</p>		
<p>Proposed Policy: Policies and regulations shall assure no net loss of shoreline ecological functions as a result of marina modifications, re-development, or new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply in accordance with any relevant state and federal law.</p>	✓	✓
<p>Proposed Policy: Aesthetic objectives should be implemented in marina areas by means such as sign control regulations, appropriate development siting, screening, architectural standards, and maintenance of natural vegetative buffers.</p>	✓	✓
<p>Proposed Policy: Marinas should be distributed regionally for convenient water access only to the extent the region's land and water carrying capacity can sustain and balanced against other shoreline dependent uses.</p> <p>Policy SH-32: Provide regional launch facilities which recognize the boating demand in Bellevue and the carrying capacity of city infrastructure to support the boat launch.</p>		✓
<p>Proposed Policy: Local governments should coordinate in the designation, planning, and development of regional marina facilities for multi-jurisdictional use.</p> <p>Policy SH-31: Work with other appropriate government agencies and jurisdictions to expand recreational opportunities through acquisition programs, development, and maintenance of shoreline areas.</p> <p>Policy SH-32: Provide regional launch facilities which recognize the boating demand in Bellevue and the carrying capacity of city infrastructure to support the boat launch.</p>		✓
<p>Proposed Policy: New marinas or boat launching facilities should be located with regard to most favorable physiographic conditions, such as wind and current protection, and adequate water depth for expected boat drafts.</p> <p>Policy SH-39: Limit marina facilities to commercial or industrial areas. Day moorage may be permitted in recreational areas, but not in environmentally sensitive areas.</p> <p>Comp Plan Discussion: Marina facilities should have the same limitations as other commercial developments. In addition, marinas should: be equipped to handle sewage and wastes from boats; limit gas and oil sales to recreational boats; and be equipped to contain and clean up pollutants associated with boating activity. Shallow embayments with poor flushing action should not be considered for overnight or long-term moorage.</p>		✓
<p>Proposed Policy: New marinas should be located and designed in a manner that will minimize environmental pollution.</p>		✓

Policy SH-13: Protect and improve wildlife and aquatic habitats, particularly spawning waters.		
Proposed Policy: Marinas should be located at shoreline locations adjacent to waters used for navigation. Policy SH-3: Give priority to uses and activities which improve or are compatible with the natural amenities of the shorelines, provide public access, or depend on a shoreline location.		✓

MARINA CIVIC

Purpose

Civic marinas are water dependent public port facilities where public access priority is given to water oriented public recreation and access uses. The Marina Civic environment includes uses related to boat launching, boat storage, and boat moorage. Civic marinas also provide public viewing of the shoreline, passive and active recreation, parking areas for automobiles, waste collection, and general public access. The overall purpose of the Marina Civic environment is to provide for a variety of publically accessible water-oriented uses, with a primary focus on water-dependent and water-related activities associated with recreational boating while protecting the surrounding community. The Marina Civic environment is not intended to support heavy commercial or industrial uses.

Designation Criteria

The Marina Civic environment designation shall be applied to those areas along the Bellevue shoreline currently in public ownership used as marinas in support of water dependent recreational boating uses and associated activities. Additional Marina Civic areas may be designated as demand for public access recreational boating facilities increases. Marina Civic environment locations should not interfere with navigation or the public’s use and enjoyment of the water and facilities should be developed and operated with the objective of achieving no net loss in ecological function within the context of the aquatic resources they rely on. Marinas should be located in areas with minimum dredging requirements and where impacts to adjacent uses and property can be minimized. Facilities developed under the Marina Civic environment designation must be primarily held in public ownership.

Management Policies

Marina Civic	WAC Guideline	Staff Recommends
Proposed Policy: In regulating the Marina Civic environment, first priority should be given to publically accessible water-dependent uses. Second priority should be given to publically accessible water-related and water-enjoyment uses. Non water-	✓	✓

<p>oriented uses and private development should not be allowed except as part of mixed ownership developments where the majority of the facility is in public ownership. Non water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning, as described in WAC 173-26-200 (3)(d).</p>		
<p>Proposed Policy: Policies and regulations shall assure no net loss of shoreline ecological functions as a result of marina modifications, re-development, or new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply in accordance with any relevant state and federal law.</p>	✓	✓
<p>Aesthetic objectives should be implemented in marina areas by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers.</p>	✓	✓
<p>Proposed Policy: Marinas should be distributed regionally for convenient water access only to the extent the region's land and water carrying capacity can sustain and balanced against other shoreline dependent uses. Policy SH-32: Provide regional launch facilities which recognize the boating demand in Bellevue and the carrying capacity of city infrastructure to support the boat launch.</p>		✓
<p>Proposed Policy: Local governments should coordinate in the designation, planning, and development of regional marina facilities for multi-jurisdictional use. Policy SH-31: Work with other appropriate government agencies and jurisdictions to expand recreational opportunities through acquisition programs, development, and maintenance of shoreline areas. Policy SH-32: Provide regional launch facilities which recognize the boating demand in Bellevue and the carrying capacity of city infrastructure to support the boat launch.</p>		✓
<p>Proposed Policy: New marinas or boat launching facilities should be located with regard to most favorable physiographic conditions, such as wind and current protection, and adequate water depth for expected boat drafts. Policy SH-39: Limit marina facilities to commercial or industrial areas. Day moorage may be permitted in recreational areas, but not in environmentally sensitive areas. Comp Plan Discussion: Marina facilities should have the same limitations as other commercial developments. In addition, marinas should: be equipped to handle sewage and wastes from boats; limit gas and oil sales to recreational boats; and be equipped to contain and clean up pollutants associated with boating activity.</p>		✓

<p>Shallow embayments with poor flushing action should not be considered for overnight or long-term moorage.</p>		
<p>Proposed Policy: New marinas should be located and designed in a manner that will minimize environmental pollution. Policy SH-13: Protect and improve wildlife and aquatic habitats, particularly spawning waters.</p>		✓
<p>Proposed Policy: Marinas should be located at shoreline locations adjacent to waters used for navigation. Policy SH-3: Give priority to uses and activities which improve or are compatible with the natural amenities of the shorelines, provide public access, or depend on a shoreline location.</p>		✓

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- A. Permit Data Sheet and Transmittal Letter
- B. List of Acronyms
- C. Cherry Point Management Area: Wetland Map
- D. Whatcom County Shoreline Management Program: Shorelines of the State
- E. Official Shoreline Map: Whatcom County Shoreline Area Designations Map
- F. Common Line Setback Standards