



DATE: February 15, 2012

TO: Chair Turner and Members of the Planning Commission

FROM: Carol Helland, Land Use Director 452-2724
Shoreline Update Team
Development Services Department

RE: Summary of Direction Received, Key Topics and Discussion of Nonconformities,
Docks, Stabilization, and Public Access

Summary of Planning Commission Direction from January 25th Meeting

At the January 25 meeting, the Planning Commission directed staff to make two broad changes to the non-residential sections: (1) clarify which sections of the Shoreline Master Program (SMP) apply during permit review and which are non-regulatory components required by state law to be included in the submittal to Ecology; and, (2) make the definitions easier to find (add a tab), and consider moving to the beginning of the regulatory sections of the document. The Commission also suggested several specific changes:

1. Add a definition of Aquaculture.
2. Clarify how the various sections relate to one another; for example, what sections apply to residential development and uses and what sections do not.
3. Rely more on the Shoreline Management Act (SMA) for guidance when considering direction given in the Washington Administrative Code (WAC) SMP Guidelines even to the extent of including a reference citation to the RCW in addition to the WAC Guideline.
4. Further clarify that maps included in the Draft SMP submittal are for reference only and that a site specific map or survey is required for permitting.
5. Modify 20.25E.100.C.3 clarify when an application is complete for vesting purposes.

Action Requested from the Planning Commission

1. Direction on any revised approach to:
 - a. Residential nonconformities
 - b. Docks
 - c. Shoreline stabilization
 - d. Public access
2. Direction on next steps and schedule

Review of Progress From May 2011 Public Hearing

Following release of the Draft SMP and the May 25, 2011, Public Hearing, the Planning Commission held a number of lengthy discussions and made considerable progress toward bringing forward its vision of a Draft SMP that works for Bellevue. During this time the Commission held multiple meetings where it reviewed the set of public hearing comments, heard additional testimony, conducted detail review of several sections of the Draft SMP, and reviewed specific standards used or proposed in other jurisdictions. Throughout its consideration of the draft, the Commission has stressed the importance of property rights and the right for shoreline property owners to enjoy their property with the minimum of regulatory intrusion. The Commission has expressed its intent to meet the state requirement to ensure no net loss of ecological function while developing a set of local regulations that reflect Bellevue's urbanized shoreline and the need to protect vibrant and livable neighborhoods.

Over the course of the last year, the Planning Commission has periodically evaluated its SMP review process and made adjustments along the way. The most notable, which occurred at the Commission's retreat in October 2011, resulted in the Commission directing staff to take an issue-based approach to addressing the remaining key issues—most of which were residential in nature. A key component of this approach is the use of comparison matrices that summarize how various comparable cities solved the most important regulatory challenges raised by the guidelines. The Commission recently adjusted its review process to consolidate review of remaining issues, and is scheduled to continue the SMP discussion on February 22 and a subsequent meeting in March.

To organize the review process, the Planning Commission divided the review of the Draft SMP generally between those sections that directly affect the residentially zoned shoreline and those that affect non-residential areas.

Residential Regulations

The vast majority of public comments on the Draft SMP are focused on the impact of the proposed regulations on residential properties. Topics included:

- Vegetation conservation
- Shoreline setbacks
- Residential nonconformities
- Dock design and performance standards
- Stabilization and shoreline armoring
- Public access

At its October 26, 2011, meeting, the Commission directed staff to change the Draft SMP's proposed 50-foot setback from Ordinary High Water Mark (OHWM) to 25 feet and to remove any special protections for vegetation in the setback area. The recommended setback of 25 feet is similar to the setback that existed prior to 2006 Critical Areas Update and may, absent further elaboration, result in a lessening of protection of shoreline functions. The direction to remove proposed protection for shoreline vegetation in the Draft SMP appears to eliminate the 1974

SMP protections for vegetation that mandated that “all residential development be accompanied by a plan indicating methods of preserving shoreline vegetation” (see LUC 20.25E.080.Q.6).

Vegetation conservation provides an example of an area where the Planning Commission direction to-date may place Ecology approval of the Draft SMP at risk. When the Planning Commission direction on the Draft SMP is complete, staff has committed to identifying where the direction creates potential conflicts with the Shoreline Management Act and where there are gaps in SMP submittal content. Reconsideration of these areas of risk following completion of Planning Commission review will provide the final direction staff will need to draft the Planning Commission SMP Recommendation into code language for Council consideration. It will also help staff determine whether the scope of the changes to the Draft SMP will necessitate further review under the State Environmental Policy Act.

The Commission also previously discussed nonconformities. While the Commission plans to conduct additional review of this topic, previous discussions have noted intent to see the following policy statements implemented in the SMP:

- Legally-established structures would not be automatically nonconforming if they are sited within the 25-50 foot setback (footprint exception).
- All existing legally-established structures would be allowed to be maintained and repaired.
- Existing legally-established structures that are destroyed would be allowed to be replaced in their same footprint.
- Shoreline property would be protected from the detrimental effects of illegal structures.

Supporting Documentation

To support the Planning Commission issue-based review, staff has identified the documents where the topics of residential nonconformity, docks, stabilization, and public access have been addressed to-date. The identified documents include references to relevant policies, prior study session materials, an index to public comments made, and Ecology requirements. The following list contains relevant references to agenda materials and associated dates, to assist Planning Commission members in locating materials in the documents that they have at home.

General Nonconforming

- November 3, 2010, PC Meeting Agenda Memo
- November 3, 2010, PC Meeting Presentation
- November 3, 2010, PC Meeting Minutes

Additional Information for Docks, Piers and Stabilization

- July 28, 2010, PC Meeting Agenda Memo
- July 28, 2010, PC Meeting Presentation
- July 28, 2010, PC Meeting Minutes
- September 8, 2010, PC Meeting Agenda Memo
- September 8, 2010, PC Meeting Presentation

- September 8, 2010, PC Meeting Minutes

Additional Information for Public Access (there is no specific staff agenda memo on this topic but the Planning Commission discussed the issue numerous times in conjunction with other items)

- January 28, 2009, PC Meeting Minutes
- February 25, 2009, PC Meeting Minutes
- May 27, 2009, PC Meeting Minutes
- June 22, 2009, PC Meeting Minutes
- June 9, 2010, PC Meeting Minutes
- November 17, 2010, PC Meeting Minutes
- January 26, 2011, PC Meeting Minutes
- September 14, 2011, PC Meeting Minutes

Copies of these documents are provided on the Planning Commission website for the January 25, 2012, meeting, and can be accessed via the following link:

http://www.bellevuewa.gov/planning_commission.htm

The full record of all prior materials presented to the Commission is available at:

<http://www.bellevuewa.gov/shoreline-master-plan.htm>

Planning Commission minutes are available at:

http://www.bellevuewa.gov/planning_commission_minutes_2012.htm

Staff has also prepared a matrix—included as Attachment A—that compares approaches taken to SMP compliance by neighboring jurisdictions for the key topics identified by the Planning Commission for Issue-Based Review. Based on experience with the Issue-Based Review at prior Planning Commission meetings, staff anticipates that the Planning Commission will discuss the topics of residential nonconformities, docks, shoreline stabilization, and public access and formulate objectives for meeting the requirements of the SMP, and direct staff to draft code or describe programmatic alternatives for achieving those objectives.

Nonresidential Regulations

Following release of the Draft SMP, the Planning Commission provided staff with detailed comments on Section III of the Draft SMP that will be incorporated into a subsequent version when drafted. See Attachment B for a detailed matrix of these and other proposed changes. As outlined above, the Commission also reviewed these sections on January 25, 2012, and provided staff additional direction regarding recommended changes to the non-residential components of the SMP Draft. The Commission acknowledged that the Restoration Plan had been updated to reflect their past comments. In addition, while acknowledging the Shoreline Inventory and Analysis proved problematic for the public, the Commission agreed that it serves the specific purpose for which it was developed: to satisfy the requirements of WAC 173-26-201(3)(c-i) and to serve as the basis for determining the location of particular environment designations. The Planning Commission also expressed the view that the Inventory and Analysis does not limit the ability of the Commission to draft Bellevue-appropriate regulations.

Additional Key Topics

In addition to key topics identified as part of the discussion of residential regulation, the Commission plans to address a number of additional important issues, some of which may be more appropriately included in its Recommendation to the Council, including:

- Lake level management for Phantom Lake and Lake Sammamish
- Water quality in Phantom Lake
- Ease of use of SMP documents, including length and cross references
- Mitigation sequencing
- Use charts

The Commission also committed to considering recent comments from Meydenbauer Bay Neighbors Association (MBNA) and the Meydenbauer Yacht Club.

While the Commission can provide direction to staff regarding how best to treat most of the key topics as part of the refinement of the proposed shoreline regulations, some issues may not fit comfortably in the SMP and are better handled in a different forum. Because some of these concerns are among the most important to some members of the shoreline community, the Planning Commission has identified them as needing additional attention in its written recommendation to City Council. To some degree City Council is already engaged having directed the Environmental Services Commission to investigate management of Phantom Lake.

Upcoming SMP Review Schedule

February 22, 2012

- Residential nonconformities
- Docks
- Shoreline stabilization (bulkheads and bioengineering)
- Public access

Next Upcoming Meeting

- Use charts
- Meydenbauer Bay issues (MBNA and Meydenbauer Yacht Club)

Third Meeting

- Narrative statements on Phantom Lake, Lake Sammamish, stormwater, and other programmatic issues
- Other identified issues
- Direction for rewrite

Once Commission direction is clear on all outstanding issues, the staff will work on a rewrite of the SMP draft that incorporates all Planning Commission direction. Because many of the proposed changes, especially to the residential section, are challenging in terms of obtaining Ecology approval, staff may need time to evaluate some topic areas in detail in order to define a precise schedule.

Attachments

- A. Comparative Jurisdictional Matrix
- B. Detailed list of Planning Commission Progress and Direction

		Redmond (Approved by DOE)	Samamish (Approved by DOE)	Kirkland (Approved by DOE)	Renton (Approved by DOE)	Mercer Island (Approved by Council)	Public Hearing Draft	COB existing	COB Original SMP	PC Direction Post Public Hearing Draft
VEGETATION CONSERVATION										
STANDARDS WITHIN THE SETBACK/VEGETATION CONSERVATION AREA	Vegetation Preservation	Trees and native vegetation within 35-foot building setback must be maintained.	Significant trees within the 50-foot setback area shall be retained, with the exception that the minimum necessary significant tree removal may occur for allowed development in order to utilize setback reductions. Removed significant trees shall be replanted at a 2:1 ratio.	Within the shoreline setback (30-60'), existing significant trees must be retained, provided that the trees are determined to be healthy. Other riparian vegetation in the amount of 75 percent of the nearshore riparian area located along or near the water's edge is to be preserved.	A vegetation conservation buffer for all residential lots is required. The required buffer is measured from the ordinary high water mark and is sized based on lot depth varying between 10 to 20 feet with a 10-foot minimum for shallow lots. In limited circumstances, required buffers may be averaged or reduced. Existing native vegetation within the vegetation conservation buffer may not be removed unless allowed in conjunction with an approved vegetation management plan.	No specific vegetation conservation standards and no direct reference to tree preservation standards.	A 25-foot vegetation conservation area for all residential lots is required. Within the vegetation conservation area all native trees and vegetation must be retained. The 25-foot vegetation conservation area is measured from the ordinary high water mark.	The Critical Areas Code (20.25H. LUC) does not include specific vegetation conservation standards for shoreline critical areas. Instead, use, development or land alteration is prohibited within the critical area and critical area buffer unless specifically allowed under LUC 20.25H and LUC 20.25E.	All development required to submit plan indicating methods for preserving shoreline vegetation and for control of erosion during and following construction. No clearing, grading, excavating, or fill allowed within 25-feet of OHWM except as otherwise permitted.	No vegetation conservation required.
	Routine Landscape Maintenance/ Hazard Trees	Existing landscaping and improvements in setback may be maintained provided that: (i) removal shall not be by mechanical means unless no feasible alternative exists;(ii) the extent of removal is the minimum necessary to achieve the above purposes; (iii) native plants are not removed for the purpose of establishing non-native plants; and (iv) the timing and duration of such removal is demonstrated not to have long-term adverse impacts on wildlife or fish. Dead, diseased, dying or hazardous trees may be removed.	Existing landscaping may be maintained. No direct reference to hazard trees.	Existing landscaping may be maintained. Healthy, diseased or nuisance trees that are removed or fallen trees in the shoreline setback must be replaced.	Existing landscaping and improvements located in the vegetation conservation buffer may be maintained to existing conditions through routine maintenance. No specific hazard tree exceptions are referenced.	No specific standards addressing routine maintenance of existing landscaping, removal of hazardous trees or noxious weeds.	Routine maintenance of existing developed landscaping is permitted. Hazardous tree removal and removal of noxious weeds is also permitted. Replanting is required.	Routine maintenance of existing developed landscaping is permitted. Hazardous tree removal and removal of noxious weeds is also permitted. Replanting is required.	No specific reference.	Routine maintenance of existing developed landscaping is permitted.

STANDARDS WITHIN THE SETBACK/VEGETATION CONSERVATION AREA		Redmond (Approved by DOE)	Sammamish (Approved by DOE)	Kirkland (Approved by DOE)	Renton (Approved by DOE)	Mercer Island (Approved by Council)	Public Hearing Draft	COB existing	COB Original SMP	PC Direction Post Public Hearing Draft
Tree Preservation Requirements	Redevelopment	New development proposing to reduce the 35-foot building setback to 20' must re-vegetate the 20-foot setback with primarily native vegetation and establishment of tree canopy is encouraged. New development adhering to the 35' and reconstruction involving greater than 50% of the value of existing improvements must plant 50% of the area of the minimum 20-foot setback with native vegetation.	Lake Sammamish Vegetation Enhancement Area. Fifteen foot-wide portion of the shoreline setback immediately landward of the OHWM is reserved as a vegetation enhancement area in which existing trees and native vegetation are preserved or native vegetation is restored. Planting of the vegetation enhancement area is required when any new development or redevelopment project affects the shoreline setback. Developments less than 500 square feet require proportional, 1:1 planting. Standard also triggered when new or expanded bulkhead or expansions to other stabilization.	When a site does not comply with the standard to maintain 75% of the nearshore riparian area in native vegetation the site must be revegetated to a width of between 10-15'. Development activities which trigger need to revegetate include either an increase of at least 10 percent in gross floor area or alteration to any structure(s), the cost of which exceeds 50 percent of the replacement cost of all structures on the subject property.	A vegetation management plan is required with all new development or redevelopment that is proposed to impact the shoreline vegetation conservation buffer. Acceptable vegetation management plans must demonstrate how existing native vegetation is being preserved and how sites lacking native vegetation will establish a dense native vegetation community within the defined buffer. Large native trees are not required for inclusion in a vegetation management plan when demonstrated to measurably block access to water views. Native vegetation established as part of a vegetation management plan must be preserved for the life of the development. Use of an off-site vegetation conservation area is allowed in-lieu of providing on-site vegetation when approved through the shoreline variance process.	New development over 500 square feet of additional gross floor area or impervious surface requires the following landscaping if located adjacent to OHWM: <ul style="list-style-type: none"> o 20-foot vegetation area shall be established and 25% shall contain vegetation coverage o The 5 feet nearest OHWM shall contain at least 25% native vegetation o A shoreline vegetation plan shall be submitted to the City that includes a variety of shrubs and trees, excluding non-native grasses o No noxious weeds may be planted. 	Up to 40% of the required vegetation conservation area may be developed with water related uses such as patios, paths, and walkways when an equivalent area within the vegetation conservation area is planted with native vegetation. New development or redevelopment of residential structures triggers a proportional landscaping standard that requires planting of up to 60% of the vegetation conservation area with native vegetation.	In certain circumstances, development may occur in the buffer with a showing of net gain in critical area function. Modification of vegetation in a critical area or critical area buffer may also be allowed under the terms of a vegetation management plan meeting the criteria at LUC 20.25H.055.h.i	No specific reference.	City wide tree preservation standard applies only. Requires new single-family structures or additions to impervious surface areas that exceed 20% to retain a minimum of 30 percent of the diameter inches of significant trees existing in the site area.
		Minimum of 35 percent of the existing significant trees shall be preserved on site.	No direct reference to tree preservation outside setback area (except on Pine Lake).	City-wide tree preservation standard applies in area outside setback.	Outside of the shoreline vegetation conservation buffer, standard City of Renton tree retention standards apply.	Mercer Island has some additional tree preservation standards but these are not specifically referenced in their SMP.	Outside of the required 25- foot shoreline vegetation conservation area, generally applicable tree retention standards outlined at LUC 20.20.900 apply.	Outside of shoreline buffer and setback, generally applicable tree retention standards outlined at LUC 20.20.900 apply.	No tree protection standards.	City-wide tree preservation standard only.

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SETBACKS									
Dimension buffer/setback	35-foot structure setback from OHWM.	50-foot structure setback from OHWM overlaid by 15-foot vegetation enhancement area.	30 to 60-foot structure setback measured from OHWM. Specific dimension based on 30% of the average parcel depth.	25 to 40-foot structure setback from OHWM overlaid with vegetation conservation buffer between 10 to 20 feet. The buffer and setback dimension is sized based on lot depth.	25-foot structure setback from OHWM for all structures.	50-foot structure setback from OHWM overlaid by a 25 foot vegetation conservation area. Structure setback can be reduced down to no less than 25 feet when specific requirements are met.	50-foot buffer from OHWM for all structures over 30 inches on undeveloped sites. 25-foot buffer from OHWM and an additional 25-foot setback from the edge of the buffer on developed sites.	25-foot structure setback. All structures, accessory buildings, and ancillary facilities, other than those related to water use (such as docks, piers and boat houses) shall be set back a minimum of 25-feet from OHWM.	25-foot structure setback.
Maintenance of Existing structures and other improvements (Excluding bulkheads)	No specific reference to general maintenance activities. Structures which are nonconforming are subject to nonconforming provisions which prohibit the expansions or alteration of existing structures if the change increases the nonconformity.	No specific reference to maintenance activities however definitions include: "Maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully established condition or use.	Maintenance activities must minimize impacts to fish, wildlife, and their associated habitat and utilizes best management practices (BMPs). Allowance with BMP for maintaining existing vegetation	Existing landscaping and gardens may be maintained and replanted to match original conditions, noxious weeds can be removed. Nonconforming structures and sites are governed by city-wide nonconformity regulations.	Shoreline code is silent regarding maintenance of existing structures in the setback. Land use code nonconforming rules allow repair and maintenance of legally nonconforming structures so long as there is no expansion of the any existing nonconformity or creation of new nonconformity. Under the same provisions, repair of legally nonconforming decks is permitted.	Existing landscaping and improvements in vegetation conservation area may be maintained to existing conditions. Accessory structures <200 sf within the structure setback outside of the vegetation conservation area may be repaired/ rebuilt. Repair of accessory structures >200 sf are limited to 50% of the value of the structure. Repair of primary structures located in the structure setback outside of the vegetation conservation area are allowed and not subject to nonconformity. Primary and accessory structures located in vegetation conservation area may be maintained when value of repairs < 50% of the value of the structure under repair.	Repair and remodeling of legally nonconforming structures is limited to minor, nonstructural repairs, and repairs of mechanical systems within or supporting an accessory structure.	No specific reference.	TBD

STANDARDS WITHIN THE SETBACK

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STANDARDS WITHIN THE SETBACK	Allowed Development and Activities	No structures other than those required for waterfront access/docks are allowed within the 20-foot setback. Clearing or grading is prohibited within setbacks, except for the purpose of habitat restoration and enhancement or natural beach enhancement or protection, or the installation of residential docks, shoreline protective structures, or public access, where allowed.	<p>Maximum 200-square foot accessory structure.</p> <p>Up to 25 percent of the vegetation enhancement area may be used as an active use area.</p> <p>Structures, decks and paved areas within the vegetation enhancement area may only be located within the limits of the active use area as specified within this program.</p>	Walkways, garden sculptures, light fixtures, trellises, bioretention swales, rain gardens, or other similar bioretention systems, Infiltration systems, retaining walls and similar structures and bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into the shoreline setback. Decks, patios may extend up to 10 feet into setback but not be closer than 25 feet to the OHWM	Access to a private dock is allowed through establishment of up to a 6 foot wide path through the vegetation conservation buffer. Accessory structures associated with water dependent uses are allowed within the setback and buffer. Areas dedicated to water dependent uses are allowed in the setback and vegetation conservation area.	Maximum impervious surface limited to 10 percent of setback area; 30 percent impervious restriction between 25 and 50 feet from OHWM	<p>Landscape improvements, hardscape surfaces, and accessory structures are allowed within shoreline structure setback outside of the vegetation conservation area -prescriptive requirements.</p> <p>Up to 40 percent of the vegetation conservation area may be converted to non-structural water-enjoyment recreational improvements when equivalent area is replanted with native vegetation.</p>	Routine maintenance of legally-established landscaping and landscape features developed prior to August 1, 2006 is permitted. Existing legally-established structures may remain subject to the requirements on repair and maintenance outlined below.	See note regarding setbacks.	TBD
	Redevelopment/ Expansion of existing structures	Setback can be reduced to 20 feet if the setback area is revegetated with primarily native vegetation. Establishment of a tree canopy is encouraged. The applicant must record on the title documentation from the City of Redmond confirming that the structure has been built under the flexible setback option and as such, the structure is conforming and the area within the 20-foot lakefront setback is to remain planted primarily with native vegetation	<p>Structures may be redeveloped or expanded when setback reduction measures are implemented.</p> <p>Setback cannot be less than 20 feet from OHWM.</p> <p>Planting must be installed and maintained.</p> <p>Developments or additions of less than 500 square feet, the landscaping requirement shall be proportional (1:1) to the area of disturbance or redevelopment.</p> <p>Changes to a structure that do not expand the footprint do no trigger landscaping or reduction measures.</p>	<p>Structures may be redeveloped and expanded and shoreline setback may be reduced to a minimum of 25 feet using a combination of the mitigation options.</p> <p>Redevelopment or expansion of existing structures the cost of which exceeds 50 percent of the replacement cost of all structures on the subject property are required to plant native vegetation in at least 75% of the nearshore riparian area located along or near the water's edge.</p> <p>Encroachment beyond 25 feet requires variance.</p>	<p>Expansions up to 500 square feet of structure footprint or 1000 square feet of impervious surface is allowed without additional requirements.</p> <p>Expansions of building footprint between 500 and 1000 square feet of structure footprint, and between 1,000 square feet to 1,500 square feet of impervious surface require vegetation enhancement mitigation.</p> <p>Building footprint expansions of more than 1000 square feet or expansions of impervious surface by more than 1500 square feet require full compliance with the vegetation management plan requirements applicable to new residential development.</p>	No specific reference to redevelopment; expansion covered below under new development	Existing primary structures may be rebuilt in the existing footprint when located outside of the vegetation conservation area. They may expand into the shoreline structure setback when prescriptive standards are met and may expand within the vegetation conservation area only through use of a shoreline variance. Accessory structures allowed within the structure setback when prescriptive requirements are met. Redevelopment with a larger footprint or expansion of structures into the setback triggers compliance with landscaping standards that require re-vegetation of the vegetation conservation area.	Existing primary structures may be expanded up to 500 square feet into a shoreline critical area buffer or setback where expansion outside of the buffer or setback is not feasible and the expansion is to serve a function that is an essential component of a single-family residence. Such expansion is permitted only if it can be shown there is: (1) no feasible alternative; (2) the expansion is the minimum necessary; and, (3) mitigation is possible.	No specific reference. See setback note.	TBD

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STANDARDS WITHIN THE SETBACK	New Development	Same standards as applicable to redevelopment and expansion noted above.	New development generally comply with setbacks however provisions allow setback to be reduced same as for redevelopment or expansion.	Same standards as applicable to redevelopment and expansion noted above.	<p>New development must comply with required setback and buffer widths.</p> <p>A vegetation management plan is required with all new development or redevelopment of nonconforming uses.</p> <p>Acceptable vegetation management plans must demonstrate how existing native vegetation is being preserved and how sites lacking native vegetation will establish a dense native vegetation community within the defined buffer.</p> <p>Native vegetation established as part of a vegetation management plan must be preserved for the life of the development.</p> <p>Use of an off-site vegetation conservation area is allowed in-lieu of providing on-site vegetation when approved through the shoreline variance process.</p>	<p>New development over 500 square feet of additional gross floor area or impervious surface requires the following landscaping if located adjacent to OHWM:</p> <ul style="list-style-type: none"> o A 120-foot vegetation area shall be established and 25% shall contain vegetation coverage o The 5 feet nearest OHWM shall contain at least 25% native vegetation o A shoreline vegetation plan shall be submitted to the City that includes a variety of shrubs and trees, excluding non-native grasses o No noxious weeds may be planted 	<p>New primary structures are allowed when located outside of the required 50- foot structure setback or when a prescriptive reduction of the required setback is permitted in accordance with the setback reduction requirements.</p> <p>New accessory structures are allowed within the structure setback when prescriptive requirements are met.</p> <p>Accessory structures located within the structure setback may not exceed 200 square feet unless a setback reduction is granted.</p> <p>New development within the shoreline jurisdiction triggers compliance with landscaping standards that require re-vegetation of the vegetation conservation area.</p> <p>New structures are allowed within the vegetation conservation area only through approval of a shoreline variance.</p>	<p>New development can occur in the shoreline critical area buffer or setback by two means:</p> <p>(1) application of the "string" test with respect to surrounding development which allows the new structure to be located with respect to a line connecting the two adjoining primary structures so long as the adjusted shoreline critical area buffer is never less than 25 feet; and, (2) modification of a critical area buffer or setback using the critical areas report mechanism provided by LUC 20.25H.230. Buffer modification may under this section may occur only if the critical area buffer functions are degraded or the proposal provides unique design or protection of critical area functions not anticipated by the code requirements.,.</p>	No specific reference. See setback reference.	TBD

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	NONCONFORMING								
STRUCTURES	<p>Nonconforming structure may not be expanded or altered so as to increase nonconformity.</p> <p>Nonconforming structures may be maintained and repaired and may be enlarged or expanded provided the expansion does not extend the structure closer to the shoreline.</p> <p>Structure shall be brought into full compliance when alteration or expansion of the structure takes place and the following takes place w/in any 3-year period: The GFA is increased by 100% or more OR The cost on building permit equals or exceeds the assessed value of the structure at the beginning of the 3-year period.</p>	<p>Reconstruction, replacement, or expansion of the exterior footprint of an existing legally established structure not meeting current regulations is allowed provided that the addition or reconstruction does not increase the non-compliance to current regulations.</p> <p>Structures can be expanded so long as the area is <200 sq. ft., not closer to water and includes 1:1 mitigation planting for area.</p> <p>Legally established accessory structures can be rebuilt in same footprint w/o expansion.</p> <p>If a structure not meeting current regulations is damaged by fire, explosion, or other casualty and/or natural disaster, it may be reconstructed to match the footprint that existed immediately prior to the time the damage occurred</p>	<p>Legally established nonconforming structures may be maintained, altered, remodeled, repaired and continued; provided that nonconforming structures cannot be enlarged, intensified, increased, or altered in any way that increases the nonconformity.</p> <p>Accessory structures w/in setback must be brought into conformance if the applicant is making an alteration to the primary structure, the cost of which exceeds 50% of the replacement cost of the structure.</p> <p>Expansion or enlargement in setback requires a variance.</p> <p>Specific circumstances where structure can be expanded w/o variance</p>	<p>Governed by citywide standards. Broken into two categories – those without record of compliance with standards and those with record of compliance with standards.</p>	<p>Legally-established uses and structures may be maintained, repaired, renovated, remodeled, and completely replaced to the extent that nonconformance is not increased.</p>	<p>Setback drawn around structures located within the setback. Structures are legal and are not nonconforming.</p> <p>Expansion permitted-see setback provisions above.</p> <p>Accessory structures < 200 sq. ft. w/in setback are not nonconforming- may be maintained or replaced.</p> <p>Accessory structures >200 sq. ft. and located w/in setback are nonconforming and may be maintained.</p> <p>Structures veg conservation area are nonconforming and may be maintained but not replaced.</p> <p>Maintenance of nonconforming structures is allowed up to 50% of replacement value of the structure calculated over a 3 year period.</p>	<p>Outside shoreline critical area and buffer -- development may be continued provided it is not enlarged, intensified, increased, or altered in any which increases nonconformity Inside shoreline critical area and buffer – limited repair permitted, expansion prohibited, reconstruction prohibited in advent of loss in nonconforming location</p>	<p>Policy- Substantial repairs or alteration to nonconforming structures should be in conformance with the policies contain in SMP.</p> <p>Nonconforming shoreline structures which receive little use and/or are in a general state of disrepair should be abated within a reasonable period of time.</p>	<p>TBD Legally-established structures would not be automatically nonconforming if they are sited within the 25-foot setback (footprint exception)</p> <p>All existing legally-established structures would be allowed to be maintained and repaired</p> <p>Existing legally-established structures that are destroyed would be allowed to be replaced in their same footprint</p> <p>Shoreline property would be protected from the detrimental effects of illegal structures</p>

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	DOCKS								
New/Expansion	<p>Length- the lesser of 80 feet or a length necessary to reach a water depth at end of pier of 13 ft below OHWM</p> <p>Side Setback- no pier or dock located closer than 25ft from another pier or dock or the maximum distance possible from any adjacent dock or pier, whichever is less. Minimum side setback 10ft.</p> <p>Walkway- 4ft</p> <p>Finger piers supported by piling are prohibited. Finger floats or docks are allowed.</p> <p>Moorage platform- pier platforms shall be designed and located to avoid or reduce shallow water (less than 9ft deep) shading.</p> <p>Piling- steel pin piles</p> <p>Decking- 50% light passage</p> <p>Mitigation- non specified</p> <p>Boat lift- number not specified. Height limit of 4 feet above OHWM</p> <p>Boat Houses- prohibited</p> <p>Variance to deviate from standards.</p>	<p>Length- 80 ft</p> <p>Side setback- 15 ft.</p> <p>Maximum Area- 480 w/ greater for shared docks</p> <p>Walkway width- 4 ft</p> <p>Ell, platform and fingers- no size limit but no closer than 30ft waterward of OHWM</p> <p>Grating- all of surface or material that allows 40% light penetration</p> <p>Piling-no sizing stated. First set of piling shall be no less than 18 feet from OHWM.</p> <p>Boat lifts- two (2) boat lifts, and two (2) personal watercraft lifts. In lieu of the two (2) boat lifts and two (2) personal watercraft lifts, four (4) personal watercraft lifts may be permitted.</p> <p>Cover- One boat canopy per residential lot is allowed provided that the canopy is made of translucent material. Canopies may be a maximum of twenty-five (25) feet in length, fifteen (15) feet in width, and ten (10) feet at the highest point over ordinary high water</p>	<p>Length-150</p> <p>Maximum Area- 480 w/ greater for shared docks</p> <p>Walkway width- 4 ft</p> <p>Ell- max 26x6</p> <p>Finger- 20x2</p> <p>Mitigation- shoreline planting 10'</p> <p>Maintenance/ monitoring- 5 years</p> <p>Alternative design approved by federal agency may also be approved even when it does not comply with City standards.</p> <p>Boatlift- 1 free standing or deck mounted</p> <p>2 jet ski lifts or 1 fully grated platform lift</p> <p>Cover- 1 translucent fabric</p> <p>Boat houses- prohibited</p>	<p>New docks allowed when a mooring buoy is impractical and when the property owner can demonstrate adjacent property owners have been contacted and declined to cooperate w/ shared use dock.</p> <p>Length-80 feet</p> <p>Side setback- 5 feet</p> <p>Walkway- 4 feet.</p> <p>Allowed one 6-foot Ell and 2 2-foot fingers.</p> <p>Dock beyond 30 feet from OHWM may be 6 feet wide if approved by other agencies.</p> <p>Pile spacing-maximum feasible. First set of piling shall be no less than 18 feet from OHWM.</p> <p>Pile size should be the minimum necessary. If property owner is disabled entire dock may be 6 feet wide.</p> <p>Joint use docks are required for new single family lots created by subdivision.</p> <p>Boathouses-not allowed and</p> <p>Covered moorage must use translucent materials.</p>	<p>Length -- 100 ft exceptions based on water depth.</p> <p>Side Setback -- 10'</p> <p>Walkway Width -- 4' for first 30 feet from OHWM and 8 feet thereafter</p> <p>Maximum Area -- 480 sq. ft. and 700 sq. ft. for shared dock</p> <p>El Size -- No specifications</p> <p>Grating -- required throughout</p> <p>Pile spacing -- The first set of piling shall be no less than 18 feet from OHWM.</p> <p>Pile size -- minimum necessary. Piling size- 10-in or less and spaced at least 18 ft from OHWM. Second 18 ft apart and < 12 in</p> <p>Mitigation -- required</p> <p>Boatlifts -- no mention</p> <p>Covered moorage: Permitted provided open-sided beyond 30 feet from OHWM but limited in height and location (moorage triangle); canopy must use translucent materials</p>	<p>Lake specific dock standards.</p> <p>Length -- 150Ft</p> <p>Side Setback- 10 Ft</p> <p>Maximum area- None prescribed for overall facility. Platform limited to 350 feet for Lake WA and 250 feet for Lake Samm.</p> <p>Walkway width 4ft.</p> <p>Can be widened to 6 ft with deduction from platform.</p> <p>Grating -- required throughout</p> <p>Pile size- minimum necessary.</p> <p>Pile spacing-maximum feasible. Only one set allowed w/in 30 ft from OHWM.</p> <p>Boathouses- prohibited.</p> <p>Boatlifts limited to 2 per dock.</p> <p>Boatlift canopies- 1 per dock and must use translucent materials.</p> <p>Mitigation required.</p> <p>Dock expansions or reconfigurations must meet new dock standards.</p> <p>Replaced, expanded, or reconfigured docks may retain existing moorage platform size.</p>	<p>Length -- 150Ft.</p> <p>Side setback -- 12Ft.</p> <p>Maximum area -- 480 sq. ft. 700, 1000</p> <p>Walkway width -- 4 feet, fully grated</p> <p>All floats and ells must be at least 30 feet waterward of the OHWM.</p> <p>Grating -- required throughout</p> <p>Ell maximum: 6' by 26'</p> <p>Piling: 4-inch steel piling 18 feet waterward of the OHWM.</p> <p>Other piling 12in. in diameter.</p> <p>Mitigation: 10 feet native planting across lot frontage immediately landward OHWM</p> <p>Dock height -- no minimum height above OHWM</p> <p>Boat lift: One ground-based or floating lift allowed</p> <p>Canopy: One translucent canopy</p> <p>Boat Houses -- prohibited</p>	<p>Length- 150 feet.</p> <p>Side setback-No closer than 12 feet to side property line without mutual agreement with neighboring property.</p> <p>No other size or overall square footage limitations specified.</p> <p>Policy- Adjoining waterfront property owners should be encouraged to share a common pier.</p> <p>The use of buoys and floating docks for moorage should be considered as an alternative to the construct of piers for this purpose. Such buoys should be placed as close to shore as possible in order to minimize hazard to navigation.</p>	TBD

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Repair/ Replacement	<p>No specific provisions apply for docks. However nonconforming standards are applicable- Nonconforming structures may be maintained and repaired and may be enlarged provided said enlargement does not extend structure closer to shoreline.</p>	<p>On Lake Sammamish, repair proposals which replace between 25% and 75% of the existing dock support piles, cumulatively over the lifetime of the dock, must achieve the minimum eighteen (18) foot spacing to the extent allowed by site-specific engineering or design considerations and shall install deck grating on all areas of replaced decking; All proposed replacement piles shall be the minimum size allowed.</p> <p>Replacement-proposal to replace the entire dock, or 75% or more of the dock support piles, cumulatively over the lifetime of the dock, must meet the dimensional, decking, and design standards for new docks.</p> <p>Alternative designs permitted provided State and Federal permitting agency allow deviation.</p>	<p>Replacement of 50% or more of decking or 50% or more of decking substructure. Must replace any solid decking surface within nearshore (30ft) with grated material that allows a minimum of 40% light penetration.</p> <p>Replacement of entire existing pier or dock including piles or more than 50% of support piles and more than 50% of decking and decking substructure must meet dimensional decking and design standards for new piers.</p> <p>Mitigation required.</p>	<p>Replacement of decking beyond 30% requires use of light penetrable materials.</p> <p>Surface material repairs do not require compliance with dimensional standards.</p> <p>Repairs involving replacement of more than 50% of piling are considered new docks and the entire facility must meet new dock standards.</p> <p>Reconfiguration or expansion of existing docks are considered new docks and the entire facility must meet new dock standards.</p> <p>Roof replacements on existing boathouses must use translucent materials.</p>	<p>Maintenance and repair --permitted provided: Area, width and length is not increased, but may be decreased All state and federal permit requirements are met</p> <p>The height is not increased except as provided by code</p> <p>Location is not changed unless Director agrees relocation results in a net gain in ecological function and a higher degree of conformity to location standards for new structure</p> <p>Threshold for partial compliance: 50% of decking or structural elements (including piling)</p>	<p>May be maintained w/o compliance with new dock standards. Up to 50% of piling may be replaced as maintenance.</p> <p>Up to 100% of piling may be repaired as maintenance. Up to 100% of dock structure may be replaced (excluding piling) as maintenance.</p> <p>Replacement of more than 50% of dock piling is considered replacement and must meet new dock standards.</p> <p>Dock surface grating is required when replacement of decking exceeds 20 square feet. Surface material repairs do not require compliance with dimensional standards.</p>	<p>Minor repairs -- allowed outright</p> <p>Replacement of > 50 percent of dock piling is a new dock and must comply with standards for new</p> <p>Thresholds for partial compliance with standards required</p> <p>Replacement of more than 50 percent of the decking and stringers w/in first 30 ft waterward of OHWM or</p> <p>Replacement of more than 50% of decking and decking substructure of entire moorage; or</p> <p>Replacement of a combination of two above with a proposal to replace more than two but less than 50 percent of the existing piles.</p> <p>Partial compliance requires selection of one of the improvements below:</p> <p>Reduction of width, removal of skirting removal of piling or enhancement of shoreline with vegetation.</p>	<p>No specific reference.</p>	<p>TBD</p>

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	STABILIZATION								
New/Expansion	<p>New and replacement shoreline structures not allowed unless:</p> <p>(a) A hydraulic analysis demonstrates that stabilization is necessary to prevent damage or loss of the facilities including existing single family residence or the where the fair market value of the structure to be protected equals or exceeds the construction cost of the shoreline protective structure; Existing private roads and bridges or raw land/property and where no practicable alternative exists.</p>	<p>New or expanded hard structural stabilization may be permitted only when bulkhead alternatives are determined to be infeasible or insufficient and when required to protect an existing primary residential structure. Provide technical reports that:</p> <p>(a) Evaluate the need for structural shoreline stabilization;</p> <p>(b) Describe alternatives to structural approaches and analyze the environmental effects of each alternative. Geotechnical analysis shall address the necessity of bulkheads or other armoring by estimating time frames and rates of erosion and report on the urgency associated with the specific situation.</p>	<p>Nonstructural methods preferred, but if there is a demonstrated need for a structural stabilization to protect primary structure, then soft structure stabilization must be considered prior to hard structural stabilization.</p> <p>When existing primary structure is >10ft from OHWM, requires geotechnical report to show deed, an evaluation of feasibility of soft rather than hard stabilization and design recommendation for minimizing structural measures.</p> <p>Mitigation- planting vegetation.</p>	<p>New or enlarged shoreline stabilization is allowed only to protect existing primary structures, in limited circumstances to protect new development, in support of a shoreline restoration project, or to protect navigability.</p> <p>New or enlarged stabilization must be the minimum necessary and follow a preference of design to prioritize soft stabilization measures over hard stabilization measures.</p>	<p>New structural stabilization – permitted for <u>new</u> primary structures allowed only with a finding that: nonstructural measures are not feasible, geotechnical analysis demonstrating evidence of wave-caused erosion, no net loss of ecological function, and so on. (Follows Guideline requirement)</p> <p>New or enlarged structural stabilization for an <u>existing</u> primary structure -- is not permitted absent conclusive evidence, documented by geotechnical analysis, which demonstrates that the primary structure is in danger from shoreline erosion caused by waves or currents. (Follows Guideline requirement)</p>	<p>New or enlarged shoreline stabilization is allowed only to protect existing primary structures, public facilities, or public use structures when no feasible alternative, including avoidance, exists.</p> <p>New or enlarged stabilization must be the minimum necessary and follow a preference of design to prioritize soft stabilization measures over hard stabilization measures.</p>	<p>New or enlarged: Allowed only when other measures, including avoidance, are not technically feasible</p> <p>Requirement for soft stabilization – Yes except where not technically feasible</p> <p>Location – at or behind OHWM</p> <p>Height limit – 30"</p> <p>Mitigation -- yes</p>	<p>Policy- The use of vegetation for stabilizing the water's edges from erosion should be encouraged over the use of bulkheads. Bulkheads and landfills may be permitted to restore lands lost to unusual erosion w/in one year of the date that erosion occurred. Regulations- Use of bulkheads limited to protection of upland areas or facilities, and not for purposes of creating land by filling.</p> <p>Construction or improvements to bulkheads shall not extend into lakes beyond OHWM, except in case of approved landfill.</p> <p>Bulkheads shall be designed to minimize transmission of wave energy to other properties.</p> <p>Ripraping and bank stabilization measures should be of a sloping design, and should be left ungrouted.</p>	TBD

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Repair/ Replacement	<p>Need to demonstrate planting of vegetation, biotechnical measures, relocation or redesign of affected structures or other nonstructural solutions are infeasible or ineffective in preventing or correcting significant erosion. Applies to repaired and emergency protective structures.</p> <p>Replacement or repair of bulkheads shall not be allowed except where it can be demonstrated that replacement with a non-structural solution is ineffective or infeasible.</p>	<p>Bulkhead replaced, may be done with bulkhead alternatives or bio stabilization. Existing structure may only be replaced with structure similar dimension and location- bulkhead alternatives are demonstrated to be infeasible or inadequate to protect the primary residential structure. Demonstration of need to protect residential structure. No further waterward unless safety concerns</p> <p>Structures that are being replaced shall be removed unless removing the structure will cause more environmental harm than leaving it in place Hard stabilization structure may be repaired and maintained. Change location of structure or alters any dimension of the structure by more than ten percent (10%), it shall be treated as a new/replacement hard shoreline stabilization Mitigation required.</p>	<p>A major repair is a collapsed or eroded structure or demonstrated loss of structural integrity or repair of tor rock or footings; and is more than 50% continuous linear length of structure that involves replacement of top or middle course of rocks or other similar repair.</p> <p>Allowed when existing primary structure is 10ft or less from OHWM</p> <p>When structures are more than 10ft from OHWM- narrative demonstrating need is required</p>	<p>Existing shoreline stabilization may be repaired.</p> <p>Replacement may be allowed in same location.</p> <p>Additions to or increases in size of shoreline stabilization is considered a new stabilization measure.</p>	<p>Repair or replacement of existing stabilization - may be replaced with a similar structure when: Demonstrated "need" to protect principle structures from wave-caused erosion Showing of no net loss No waterward encroachment unless structure occupied prior to 1/1/1992. Must abut in this case.</p> <p>No additions or increases in size— considered new</p>	<p>Minor repairs permitted to restore the stabilization measure to its original condition.</p> <p>Major repairs and replacement of stabilization measures are considered new and must comply with design standards for new stabilization</p> <p>Additions to or increases in size of shoreline stabilization is considered a new stabilization measure.</p> <p>When soft stabilization measures are used and the OHWM may shift landward, the OHWM at the time of installation may be memorialized for the purpose of measurement of setbacks.</p>	<p>Repair or replacement of existing stabilization: yes if minor; major repair treated as new</p>	<p>Allowance for limited landfills. Permitted to maintain property, to improve water quality when no other alternative available, and for replenishment of sand. Permitted provided there is no net reduction of water surface area and no significant adverse impact upon fish, wildlife and adjacent property. Not permitted below OHWM. Requires waterside perimeter of the fill shall be stabilized with vegetation.</p>	TBD

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PUBLIC ACCESS									
Required w/ development	<p>Public access- More than 10 new dwelling units to be constructed or renovated; or subdivision of >10 lots.</p> <p>Private access-residential development of 10 or fewer lots.</p>	<p>Public access-new single family residential subdivisions of 10 or more lots or residential units.</p>	<p>Division of land containing (5) or more new lots located within the shoreline jurisdiction.</p>	<p>Public access required for developments of more than 10 single family dwelling units, any multi-family development, or any non-water dependent unit. Public access may be required for any development within a reach of shoreline identified as having an enhanced public access objective. Community access required for developments of more than 4 but less than 10 single family dwelling units. When required, public access must be designed to meet public access standards. Public access requirements may be reduced or modified through approval as a Conditional Use or Shoreline Variance <u>when criteria are met.</u></p>	<p>Relies on policy only</p> <p>Public access along water's edge should be consistent with public safety, private property rights, and conservation of unique or fragile areas</p> <p>No explicit requirement to provide</p>	<p>Public access is required for developments of more than 9 dwelling units, transportation and utility projects, and new or replacement recreation projects (parks & marinas).</p> <p>Community access is required for developments of than 9 single family dwelling units. Public access may be waived if proven to be a disproportionate burden to the property owner as compared to the benefit.</p>	<p>No specific requirement to provide</p>	<p>Policy- When substantial modifications or additions are proposed to substantial developments, the developer should be encouraged but not required to provide for public access to and along the water's edge if physically feasible.</p>	<p>TBD</p>

Recap of July 13 study session

Changes to draft:

Section	PC proposed change	Action	Comment
chart 20.25E.050.A	<input type="checkbox"/> Delete footnote (3) from chart 20.25E.050.A next to Maximum Building Height	Deleted footnote	<i>Benefits user by compiling relevant information in one place. Included to allow submittal of SMP without Land Use Code</i>
20.25E.050.B.3 Disturbance in Shoreline Structure Setback	<input type="checkbox"/> Delete standard	Deleted 20.25E.050.B.3	

PARKING LOT-Reserved for future discussion:

1. Phantom Lake standards
2. Usefulness of chart in .050
3. Retain section/is it useful? Come back after review other sections
4. Setback dimensions
5. Phantom Lake, including aspects of wetland regulations
6. Lake Sammamish OHWM
7. Phantom Lake overall

Recap from July 27 study session

Changes to draft:

Section	PC proposed change	Action	Comment
.050.C Shoreline Impervious Surface	<input type="checkbox"/> Delete detail and simply reference out to 20.20.460 for applicable standards		<i>Benefits user by compiling relevant information in one place. Included to allow submittal of SMP without Land Use Code.</i>
.050.D Maximum Building Height	<input type="checkbox"/> See Parking Lot issues		Ensures consistency with LUC requirements and SMA requirements

Attachment B-
Detailed list of Planning Commission Progress and Direction

.060.B.1 No Net Loss Required	<input type="checkbox"/> Revise to “Shoreline uses and development are required to ensure no net loss of ecological functions and processes.” All other language deleted.		Detail was originally added to provide clarity of what ecological functions and processes were.
.060.C Technical Feasibility Analysis	<input type="checkbox"/> Clarify this section does not apply to residential and that the use charts in 20.25E.030 describe when the feasibility analysis is required.		
.060.D Mitigation Sequencing	<input type="checkbox"/> Rename to “Mitigation Requirements and Sequencing”		
.060.D.1 Mitigation Plan Requirements	<input type="checkbox"/> Add clarification of when mitigation plans are triggered (i.e. SCUP, Variance, Special Shorelines Report)		May need to rename applicability. Clarify that the mitigation plan is required for other actions throughout the code such as menu option but that the sequencing provision only applies to the SCUP, Variance and Special Shorelines Report.
.060.D.5.c Timing of Work	<input type="checkbox"/> Clarify section so language is clear this pertains to installation of the mitigation and not monitoring/performance.		
.060.D.5.d Monitoring Program	<input type="checkbox"/> Revise provision to include 1 year standard for residential development and 3/5 year standard for nonresidential (modeled after critical areas provisions 20.25H.220.D).		DOE comment that 5 years is not adequate.
.060.D.5.g Mitigation for City	<input type="checkbox"/> See Parking Lot issues		

Park Projects			
.060.D.5.h Restoration for Areas of Temporary Disturbance	<input type="checkbox"/> Clarify provision refers to temporary construction disturbance		

PARKING LOT- Reserved for future discussion:

1. Section D Height- Definition of substantial number of residences- case law background
2. .060.D.5.g Mitigation for City Parks Projects. Staff to provide Commission with analysis of three possible alternatives for language and pros/cons for each of the following alternatives: Existing draft language, Phasing of mitigation with a Parks Master Plan, and Strike draft provision.

Recap from September 14, 2011 study session

Changes to draft:

Section	PC proposed change	Action	Comment
E. Requirements Applicable to Development and Uses in Shoreline Jurisdiction	No consensus. Leave as is for now.		
F. Archeology	No changes		
G. Critical Areas	Clarify the shorelines of Lake WA and Sammamish are not critical areas- staff to bring back language to add to this section		
H. Accessory Parking	No changes		
I. Public Access	Revise all 9 to 10 Nov. 3 rd PC memo from legal department to PC 3. When not required: Residents- modify f. Overwater Structures associated with Projects that Require Public Access. Public access on over-		

	<p>water structures located on public aquatic lands shall be provided and may include common use of walkway areas. Moorage facilities with the capacity to serve nine (9) or more vessels shall provide a publicly accessible area of at least 10 percent of the total square footage of the overwater structure, but not less than 200 square feet at or near the end of the structure. Marinas with the capacity to serve 20 or more vessels may restrict access to specific moorage areas for security purposes as long as an area of at least 10 percent of the overwater structure is available for public access and a public access area of at least 200 square feet is provided at or near the end of the structure. Public access areas may be used in common by other users, but must provide generally unobstructed views of the water.</p>		

October PC retreat-SMP discussion

Departure from line-by-line approach to reviewing SMP Public Hearing Draft. PC decides to take an “Issue Based” approach to reviewing SMP with the goal of directing staff to draft new code to achieve current PC objectives for the program. Identified vegetation conservation as first issue to be discussed.

Recap from October 26, 2011 study session

PC confirmed issue based approach rather than line by line review and accepted the topics listed in the staff memo as those items to be covered in their new process.

Summary of Planning Commission Direction from October 26th Meeting

Regarding vegetation conservation, the Commission directed staff to make the following changes to the Public Hearing Draft SMP:

1. Delete the requirement for a tailored vegetation conservation area adjacent to OHWM. This approach is similar to that provided in the Mercer Island City Council resolution expressing an intent to adopt an update of the Shoreline Master Program and authorizing submittal of the proposed Master Program to the Department of Ecology.
2. Rely on citywide tree retention standards and critical areas regulations, located at LUC 20.20.900 and LUC 20.25H respectively. This approach is also similar to that provided in the Mercer Island draft and uses a city-wide standards rather than geographically specific standards that apply only within shoreline jurisdiction.
3. Remove specific standards for routine maintenance near OHWM (similar to Mercer Island).

In addition to vegetation conservation, the Commission also discussed setback dimensions and directed staff to:

1. Eliminate the 50-foot setback and establish a 25-foot setback in its place.

Recap from December 14, 2011 study session

No action noted in meeting minutes.

Recap from January 25, 2012 study session

At the January 25 meeting, the Planning Commission directed staff to make two broad changes to the non-residential sections: (1) clarify which sections of the Shoreline Master Program (SMP) apply during permit review and which are non-regulatory components required by state law to be included in the submittal to Ecology; and, (2) make the definitions easier to find (add a tab), and consider moving to the beginning of the regulatory sections of the document. The Commission also suggested several specific changes:

1. Add a definition of Aquaculture.
2. Clarify how the various sections relate to one another; for example, what sections apply to residential development and uses and what sections do not.
3. Rely more on the Shoreline Management Act (SMA) for guidance when considering direction given in the Washington Administrative Code (WAC) SMP Guidelines even to the extent of including a reference citation to the RCW in addition to the WAC Guideline.

4. Further clarify that maps included in the Draft SMP submittal are for reference only and that a site specific map or survey is required for permitting.
5. Modify 20.25E.100.C.3 clarify when an application is complete for vesting purposes.