



DATE: November 10, 2010

TO: Chair Ferris and Members of the Planning Commission

FROM: Shoreline Master Program Update Team
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SUBJECT: Shoreline Master Program - Shoreline Environment Designations and Uses -
November 17, 2010 Planning Commission Study Session

The study session on November 17 will address proposed changes to the SMP environment designations, including map changes, and will identify proposed changes to the working draft SMP use charts. Planning Commission discussion of these issues will shape preparation of the revised draft that is scheduled for release at year end.

ACTION REQUESTED

Staff seeks Planning Commission direction on changes to the environment designation system previously presented, updates to the shoreline environment maps to reflect changes, modification of the shoreline use tables to follow the format of the land use code, and an adjusted range of uses anticipated in the shoreline jurisdiction.

SUMMARY OF NOVEMBER 3 MEETING

At the Commission's November 3 study session, staff presented nonconforming development in the context of the Shoreline Master Program (SMP) update including:

- The legal context for regulation of nonconforming uses and structures;
- Proposed definitions for maintenance, repair, and reconstruction;
- Proposed thresholds that trigger compliance with new SMP requirements as they would be applied to different types of nonconforming development.

Commission members raised the following issues during their deliberations in a question and answer discussion format with staff that led to final direction on the issues presented for incorporation into the revised draft SMP.

- How do we measure the value of the structure and the work;
- Provide list of ways to prove legally established status;

- Establish means to track abandonment of use and intent to continue use when left vacant;
- Consider use of term “structure” instead of “development” in maintenance and repair;
- Be clear about what is included as maintenance and what is included as repair;
- Define timeline under which maintenance and repair can occur before it is considered reconstruction;
- Establish guidelines to assist public in determining when a permit is required and when not required (no permit vs. shoreline exemption vs. shoreline substantial development permit);
- Clarify how decks attached to the house work with footprint exemption. What is the point when a deck cannot be replaced;
- Include more “plug and play” options that are clear and are simple to follow.

ADJUSTMENTS MADE TO ENVIRONMENT DESIGNATIONS, ENVIRONMENT MAPS, AND USE CHARTS

Since the May 12, 2010 SMP Working Draft release, staff have responded to comments regarding the Environment Designation system previously presented, by consolidating two similar environments, updating the shoreline environment maps to reflect property owner feedback, and adjusting the range of uses anticipated in the shoreline jurisdiction. Staff also initiated modifications to the shoreline use tables to follow the format of the land use code use charts in an effort to simplify code administration. Changes to the Working Draft are as follows and are discussed in more detail below:

- Modified the working draft to eliminate the Marina and Marina Civic environment designations and consolidate them into a single environment designation titled Recreational Boating;
- Added a new definitions for Public Marina, Private Marina, Yacht Club, and Community Club;
- Modified the environment designation maps to reflect the consolidation of the Marina and Marina Civic environments and replacement with the new proposed Recreational Boating environment;
- Modified the environment designation maps to change the designation of Vasa Park property from Urban Conservancy to Shoreline Residential, as requested by the property manager;
- Verified the designation of the Sambica/Strandvik property as Shoreline Residential;
- Restructured the working draft use charts to follow the format of the Land Use Code and tailor the revised charts to include uses specific to Bellevue’s shoreline;
- Limited uses in the new Recreational Boating environment associated with a Public Marina, Yacht Club, or Community Club to a refined and appropriate level of intensity as related to the intended use.

CONSOLIDATION OF MARINA AND MARINA CIVIC ENVIRONMENTS AND REPLACEMENT WITH RECREATIONAL BOATING ENVIRONMENT

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 presented to the Commission during the January 28, 2009 meeting, and available on the project [website](#), the shoreline environments are designated sub-units that function much like zoning 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 development of the working draft of the SMP, staff identified several locations within the City that provided opportunity for recreational boating and where ecological functions were relatively degraded due to the presence of established recreational boating facilities and were appropriate for the continued use as recreational boating facilities. These areas were assigned a Marina environment designation. Similarly, staff identified the need for an additional designation that would allow for separate and unique rules to be developed for a public marina that was under concept review as part of the Meydenbauer Park Master Plan. A Marina Civic environment designation was assigned to accommodate this planning process. The concept was based on the idea that the private Marina environment would allow the continuation of private marina facilities in support of recreational boating, and the Marina Civic environment, while similar to the Marina environment, would provide additional opportunity for public use by prioritizing public access to water dependent and water oriented recreation, as envisioned by the draft Meydenbauer Park Master Plan. Draft environment designations were presented to the Commission during the February 25, 2009; May 27, 2009; July 8, 2009; and July 22, 2009.

This split environment designation concept (private/civic) was identified by many as unnecessary and complex to administer and caused staff to reconsider this approach. The primary complication with the Marina and Marina Civic Environments was that the term “Marina” provided an assumed tendency towards a more intense range of uses than is currently in existence or envisioned in most locations. An additional problem was that a majority of the uses in each marina environment were the same and the difference between the two environments, outside of the preference given to public access, was not distinct – there was no real compelling reason to maintain two separate environment designations if the difference in the range of uses was not easily discernable.

Additional comment received also focused on difference in the range of uses proposed under the Marina Civic environment as part of the draft SMP and the range of uses established as part of the draft Meydenbauer Park Master Plan public process. Generally, these comments expressed a concern that less restrictive rules were being developed City (Park) projects, and that the range of uses identified in the working draft were too intense and generally inappropriate for Meydenbauer Bay and not in concert with those uses contemplated in the Meydenbauer Bay Park and Land Use Plan.

In addition to these comments, staff also concluded that the working draft structure was overly complex and would be complicated to translate into the revised SMP. The consolidation of environments and renaming is intended to address public concerns, restrict the range of uses allowed to reflect those in existence or those considered through public planning efforts (i.e. the Meydenbauer Bay Park and Land Use Plan), and correct technical issues with the draft.

Recreational Boating Environment

The overall purpose of the Recreational Boating Environment is to provide for a variety of water-dependent and water-oriented uses, with a primary focus on activities associated with recreational boating. The proposed Recreational Boating Environment is intended to include a range of uses similar to those included in the previous designation system (Marina and Marina Civic), although the range of uses has been better categorized and defined to reflect existing conditions, community needs, and current planning efforts. To characterize the primary uses envisioned in the Recreational Boating Environment, staff have sorted the uses into four essential categories - Private Marina, Public Marina, Yacht Club, and Community Club. Each of these primary uses includes a range of supporting uses and activities and is tempered by the ultimate intensity of the uses allowed. This new environment and system is intended to resolve the issues presented to staff and more closely matches existing and planned conditions for each of Bellevue's recreational boating resource areas. Each primary use is identified below.

Staff is looking for direction from the Commission on the appropriateness of the Recreational Boating Environment.

RESTRUCTURED USE CHARTS AND ASSOCIATED DEFINITIONS

In conjunction with the changes made to the environment designation system identified above, staff are proposing restructuring of the use charts previously presented with the May 12, 2010 working draft. The modifications are desirable to more closely align the use charts with those found in the City's Land Use Codes and follow a standardized Land Use reference guide. This alignment will help simplify code interpretation and administration. Although generally the same, the use categories have changed with this revision and some categories have been changed or eliminated. Specifically, Private Marina, Public Marina, Yacht Club, and Community Club were added as uses under the Recreation heading with the intention of more narrowly identifying existing uses and establishing a range of activities appropriate to the existing conditions.

Under this system, the Newport Shores facility would be considered a Community Club use, the Newport Yacht Basin condominiums and Seattle Boat Newport facility would be considered Private Marina use, the Meydenbauer Yacht Club would be designated a Yacht Club use, and the City owned Meydenbauer marina would be designated as a Public Marina use. Under each of these use designations there are a range of intended uses and activities that may continue as permitted. If the property owner or manager identifies a need to change the range of uses a conditional use permit or a park master plan is required. Revised use charts are included as **Attachment 1**.

Staff is looking for direction from the Commission on the appropriateness of the revised use chart format and content.

In addition to the use chart changes discussed above, the need for clear "use" definitions was identified as a desirable means to provide enhanced code predictability and process certainty. Definitions identified as complementary to the use chart changes are presented below.

Private Marina

The “Private Marina” use includes a range of uses necessary to support recreational boating activity. Private Marina uses commonly include boat moorage, boat storage, boat maintenance, boat repair, retail boat sales, the sale of boat parts, boat launching, boat fueling stations, administration and facility offices, retail sale of boating related items (including food and beverage), restrooms, and facility parking. The Private Marina use 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. Seattle Boat is an example of a use that would be characterized under this category.

Staff is looking for direction from the Commission on the appropriateness of the Private Marina definition.

Public Marina

The “Public Marina” use refers to a publically owned recreational boating facility where the primary emphasis is to provide moorage and grant public access to water-oriented recreation. Public marinas may only be established through approval of a Park Master Plan that provides oversight to the development and operation of the marina. The range of uses anticipated in the Public Marina is similar to the range of uses identified in the Private Marina use, although uses allowed for each Public Marina are determined by and limited through the required Park Master Plan process. Meydenbauer Bay Park is an example of a use that would be characterized under this category.

Staff is looking for direction from the Commission on the appropriateness of the Public Marina definition.

Yacht Club

The “Yacht Club” use is a water dependent private recreational boating club that provides water access and moorage to members and guests. Yacht Club uses include boat moorage facilities, social gathering space and facilities, small boat storage and launching, sanitary waste collection, service and repair to moored boats, member and guest parking. Yacht Clubs also provide food and beverage services for members and guests, social gatherings, and meetings. Additional activities may include cultural, educational, and charitable elements related to recreational boating, including hosting of water-related public/private organizations and events, boating and sailing instructions, and providing water enjoyment experiences to some who would not have access to the water. The Yacht Club use is limited to a moorage and social function and is not intended to support commercial, retail, industrial, or mixed-use uses. Meydenbauer Bay Yacht Club is an example of a use that would be characterized under this category.

Staff is looking for direction from the Commission on the appropriateness of the Yacht Club definition.

Community Club

The “Community Club” use is a private recreation focused water related community organization made up of the residents or moorage slip owners of a specified area. Community Clubs provide

water related experiences to some who would not otherwise have access to the water. The community club use includes moorage facilities, social gathering space and facilities, administration and facility offices, group activities, social support, public information, facility parking, and other community uses. Community Clubs also provide food and beverage services for members and guests, social gatherings, and meetings. Community Clubs may also include limited non-water oriented recreation facilities when proposed in conjunction with a moorage facility. Community Clubs are generally limited to a moorage, recreation, and social function and are not intended to support commercial, retail, industrial, or mixed-use uses. The Newport Shores Community Club is an example of a use that would be characterized under this category.

Staff is looking for direction from the Commission on the appropriateness of the Community Club definition.

SHORELINE ENVIRONMENT DESIGNATIONS – SPECIFIC PROPERTIES

Staff is seeking direction from the Commission regarding proposed environment designations for the Sambica/Strandvik and Vasa Park properties. Each of these sites has been identified as having a special characteristic that distinguishes them from other residential properties along Bellevue's shoreline. Below staff have presented the direction proposed and included an explanation of changes from designations proposed as part of the May 12, 2010 working draft SMP.

Sambica/Strandvik

In the working draft release, staff included the Sambica/Strandvik property in the SR designation. This property is a jointly owned property with access granted only to property owners in the Strandvik Community and for use by the Sambica Bible Camp. The primary use of the property is as a private park with water recreation activities. Staff did have subsequent conversations with representatives from the Sambica and Strandvik communities exploring whether or not Urban Conservancy rather than Shoreline Residential would be more appropriate given the restrictions on the property and the current and planned recreation uses. The community representatives expressed some concern regarding an emphasis on ecological restoration and provisions for public access if the site were designated urban conservancy. The purpose of the Urban Conservancy environment as described in the working draft is:

“ to retain and restore shoreline ecological functions while allowing compatible uses and development, such as public and private shoreline recreation and public access to the shoreline. The primary management goal in the Urban Conservancy environment is to recognize existing recreation resources and focus restoration in areas where benefits to overall ecological functions and processes can be realized while maintaining a range of compatible uses. This goal should be furthered by keeping the overall intensity of development low and by husbanding or enhancing the area's natural character.”

The rationale for designation of the property as Urban Conservancy in the working draft was to recognize the existing activities and recreational uses. Ecological restoration is to be accomplished in the SMP only where it is feasible. Given the current and intended recreation

activities occurring on the site, the ecological restoration on a large scale is not likely to be feasible. Although the site does not rate high in the City's shoreline inventory and characterization, ecological function is just one consideration when assigning environment designations. Existing and planned use of properties is another. The alternative designation of Residential is reflective of other similarly characterized sites for ecological function (low) and the underlying zoning (which will not change) but is not as reflective of the existing and planned recreation use of the site. However, as the revised code is structured, the use on the subject site, private park, would be allowed to continue and to be maintained. Expansion, however, or major redevelopment would be required to go through a conditional use process if the designation is residential. Under the Urban Conservancy designation, staff suggests private parks be permitted outright. Given the communities' desire to continue their activities and since the community has no intentions to expand current development levels, the SR designation will accommodate property owner needs at this time.

Staff is looking for direction from the Commission on the appropriateness of the shoreline residential designation for the Sambica/Strandvik property.

Vasa Park

In the working draft release, Vasa Park was designated as Urban Conservancy. Like the Sambica/Strandvik, Vasa would also be categorized as a private park. The current private park use includes associated water enjoyment recreation functions. Uses and structures currently on the site include: swimming, swim dock and swim float, guard shack, playground, picnic shelters, camping, boat launch and King County marine patrol boat house and dock. The shoreline inventory and characterization recognized this site as having moderate shoreline ecological functions primarily because of the lack of structures and shoreline stabilization on a relatively large segment of shoreline waterfront.

Representatives of Vasa Park do not support the designation of the site as Urban Conservancy because of concerns about density should the park be sold for residential development. They were also generally concerned about the maintenance of existing uses and functions. As with the Sambica/Strandvik property, this site is a private park and in general the property owners have described their intention is to maintain the existing private park development and activities. Although the Urban Conservancy designation was put forth as part of the working draft release, designation as either Urban Conservancy or Shoreline Residential would be consistent with the characteristic of this site. Overall residential density will not change with either designation. Under the Shoreline Residential designation, private parks are allowed to continue and be maintained. Expansion however or major redevelopment would be required to go through a conditional use process. Under the Urban Conservancy designation, expansion or major redevelopment would be permitted outright subject to performance standards. Given the communities' desire to continue existing activities and since the managers have no intentions to expand current development levels, the Shoreline Residential designation will accommodate property owner needs at this time.

Staff is looking for direction from the Commission on the appropriateness of the shoreline residential designation for the Vasa Park property.

REVISED ENVIRONMENT MAPS

In response to the environment designation system changes outlined above, and in response to public comment related to the environment designations applied to specific properties, staff propose to revise the shoreline environment maps as depicted in **Attachment 2**. The first change reflects consolidation of Marina and Marina Civic environments and replacement with a single Recreational Boating environment. The second change modifies the designation of Vasa Park property from Urban Conservancy to Shoreline Residential. The third is a map confirmation and verification of the designation of Sambica/Strandvic property as Shoreline Residential.

ACTION REQUESTED AND NEXT STEPS

Staff seeks Planning Commission direction on the following proposed changes as presented above:

- Appropriateness of the Recreational Boating Environment;
- Revised use chart format and content;
- Private Marina definition;
- Public Marina definition;
- Yacht Club definition;
- Community Club definition;
- Shoreline Residential designation for the Sambica/Strandvik property;
- Shoreline Residential designation for the Vasa Park property.

Table 1. Proposed Planning Commission Schedule

December 8	Bundle remaining issues (continued)
December (mid-to-late)	Release revised draft
January 2011	Open House Introduce revised draft
February 2011	Public Hearing (date to be set by Planning Commission)

ATTACHMENTS

1. Revised Use Charts
2. Revised Environment Maps

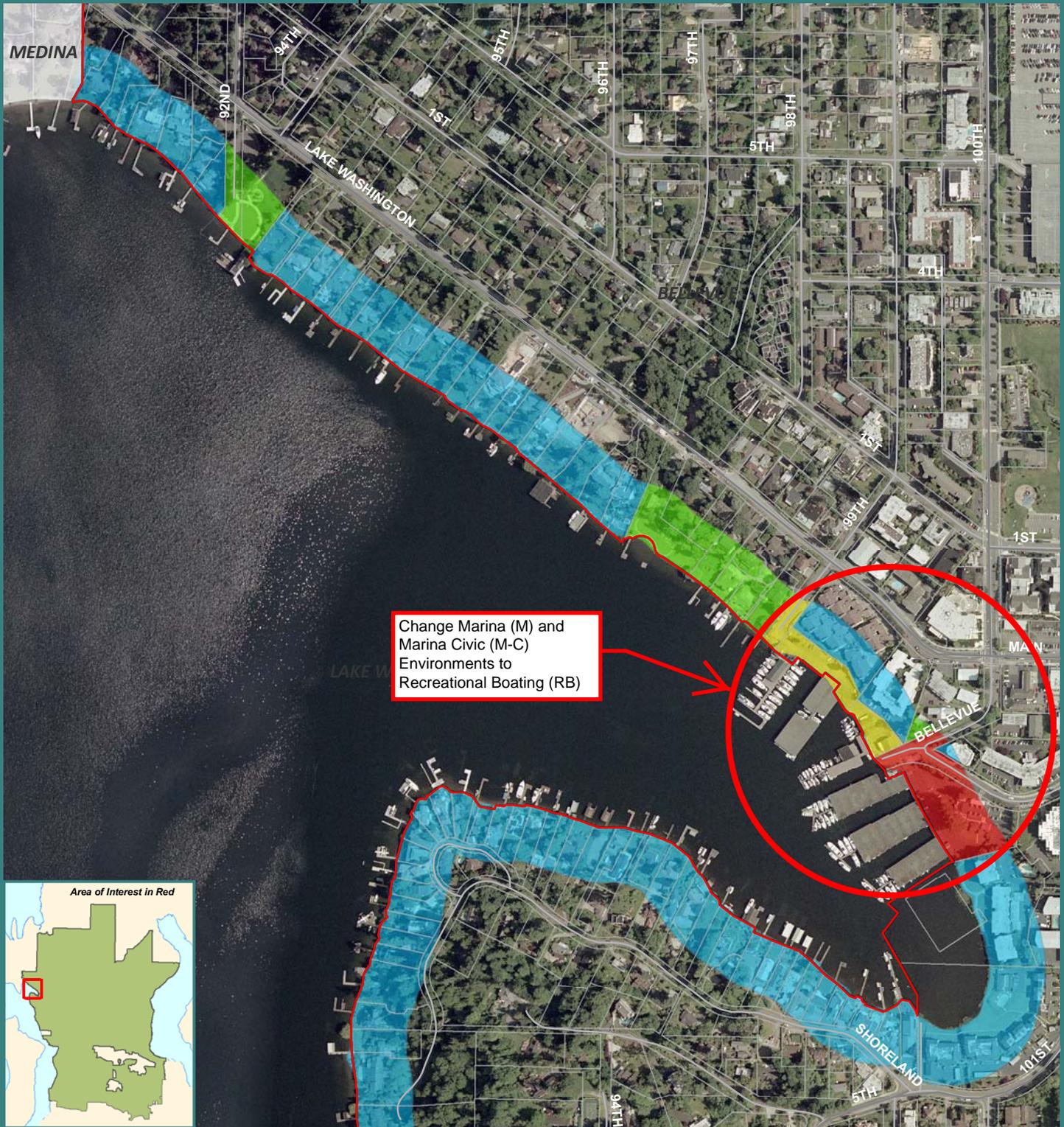
Attachment 1 – Revised Use Charts

Residential							
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Aquatic	Urban Conservancy – Open Space	Urban Conservancy	Shoreline Residential	Shoreline Residential - Canal	Recreational Boating
	Residential						
	Single-Family Dwelling	X	P (1)	P(1)	P	P	P (2)
	Multifamily Dwellings (2 or more units per structure)	X	X	X	P (3)	X	X
	Hotels and Motels	X	X	X	X	X	X
	Congregate Care Senior Housing	X	X	X	P	X	X
	Nursing Home	X	X	X	P/C (4)	X	X
	Assisted Living	X	X	X	P/C (4)	X	X
	Accessory Dwelling Unit (5)	X	P	P	P	P	P
Transportation and Utilities							
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Aquatic	Urban Conservancy – Open Space	Urban Conservancy	Shoreline Residential	Shoreline Residential - Canal	Recreational Boating
	Water-dependent (Commercial float plane and ferry terminal)	C	X	X	X	X	C
	Highway and Street Right-of-Way, Railroads (6)	X	C	C	P	P	P
	Bridges: autos, railroads (6)	C	C	C	P	P	P
	Bridges: pedestrian, bicycle, equestrian (6)	P	P	P	P	P	P
	Accessory Parking	X	X	P	P	P	P
	Regional light rail alignment including bridges, stations and assoc. structures	TBD	TBD	TBD	TBD	TBD	TBD
	Park and Ride	X	C	C	C	C	C
	Private, non-commercial float plane landing and mooring facilities	P	X	X	P	P	P
	Utility Facility	C	C	C	C	C	C
	Local Utility System (6)	C	C	P	P	P	P
	Regional Utility System	C	C	C	C	C	C
	Essential Public Facility	C	C	C	C	C	C
Wholesale and Retail							
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Aquatic	Urban Conservancy – Open Space	Urban Conservancy	Shoreline Residential	Shoreline Residential - Canal	Recreational Boating
	Water-dependent commercial, wholesale, retail	X	X	X	X	X	P (7)
	Water-related, water-enjoyment commercial, wholesale, retail	X	X	X	X	X	P (7)
	Retail Boat Sales	X	X	X	X	X	P (7)
	Marina Fueling Stations	X	X	X	X	X	P (7)
	Eating and Drinking Establishments (8) (9)	X	X	P	X	X	P (7)

Attachment 1 – Revised Use Charts

Services							
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Aquatic	Urban Conservancy – Open Space	Urban Conservancy	Shoreline Residential	Shoreline Residential - Canal	Recreational Boating
	Education, environmental	X	C	C	X	X	C
	Religious Activities	X	X	C	C	C	C
	Administrative Office – General	X	X	X	X	X	P (2)
Recreation							
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Aquatic	Urban Conservancy – Open Space	Urban Conservancy	Shoreline Residential	Shoreline Residential - Canal	Recreational Boating
	Public Marinas	P (12)	X	X	X	X	P (9)
	Private Marinas	P (12)	X	X	X	X	P/C(10)
	Yacht Clubs	P (12)	X	X	X	X	P/C(10)
	Community Club	P (12)	X	X	X	X	P/C(10)
	Boat Moorage (11)	P (12)	X	C	X	X	P
	Boat Storage (cradle and trailer)	P (12)	X	C	X	X	P
	Boat Storage (dry stacked)	P (12)	X	X	X	X	P
	Boat launch ramps (motorized)	P (12)	X	C	X	X	P
	Boat launch ramps (non-motorized)	P (12)	P	P	X	X	P
	Boat rental (motorized)	P (12)	X	C	X	X	P
	Boat rental (non-motorized)	P (12)	X	P	X	X	P
	Sailing Schools	P (12)	X	P	X	X	P
	Public/Private Park	P (12)	C	P	C	C	P/C (10)
	City Park	P (12)	P	P	P/C (9)	X	P
Resources							
STD LAND USE CODE REF	LAND USE CLASSIFICATION	Aquatic	Urban Conservancy – Open Space	Urban Conservancy	Shoreline Residential	Shoreline Residential - Canal	Recreational Boating
	Agriculture	X	P/C	P/C	X	X	X
	Nurseries	X	C/P (13)	C/P (13)	X	X	X
	Aquaculture	C	X	X	X	X	X
	Mining, Quarrying (Including Sand and Gravel), Oil and Gas Extraction	X	X	X	X	X	X

- (1) Residences are allowed in shoreline jurisdiction only if there is no other feasible alternative, as determined by the City, to locate the building on the portion of the property outside shoreline jurisdiction.
- (2) Allowed only as an accessory to a permitted use.
- (3) Pursuant to applicable density.
- (4) Permitted only with multifamily development. All other development require Conditional Use permit.
- (5) Accessory dwelling units may be established in existing or permitted single-family structures subject to the performance criteria of LUC 20.20.120.
- (6) Allowed provided there is no feasible alternative, as determined by the City, and impacts are mitigated.
- (7) Accessory to a permitted marina use.
- (8) Permitted as an accessory function to a park use.
- (9) City Parks located within Shoreline Jurisdiction require adoption of a Parks Master Plan. Permits to establish, redevelop, expand or modify a City Park located within shoreline jurisdiction shall be consistent with the adopted Parks Master Plan.
- (10) Conditional Use required when more than 20% expansion.
- (11) Boat moorage excludes single family residential docks and piers which are a permitted use pursuant to development standards for residential docks and piers.
- (12) Permitted if allowed in the upland designation.
- (13) Permitted when nursery is for native plant propagation.



01-Lake Washington

Environment Designations

NOTE: All areas waterward of the ordinary high water mark has an Aquatic Designation.

0 250 500 FT

May, 2010.
Source: The Watershed Company, City of Bellevue

City of Bellevue Shoreline Master Program

LEGEND

- Marina
- Marina Civic
- Shoreline Residential
- Shoreline Residential - Canal
- Urban Conservancy
- Urban Conservancy - Open Space
- Parcels

Shoreline jurisdiction boundaries depicted on this maps are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.



Change Marina (M) and Marina Civic (M-C) Environments to Recreational Boating (RB)



05-Lake Washington

Environment Designations

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City of Bellevue Shoreline Master Program

May, 2010.
Source: The Watershed Company, City of Bellevue

LEGEND

Marina	Shoreline Residential - Canal
Marina Civic	Urban Conservancy
Shoreline Residential	Urban Conservancy - Open Space
Parcels	

Shoreline jurisdiction boundaries depicted on this maps are approximate. They have not been formally delineated or surveyed and are intended are planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Map 5 of 22



Designate Sambica/
Strandvik Property as
Shoreline Residential (SR)

19-Lake Sammamish

Environment Designations

NOTE: All areas waterward of the ordinary high water mark has an Aquatic Designation.

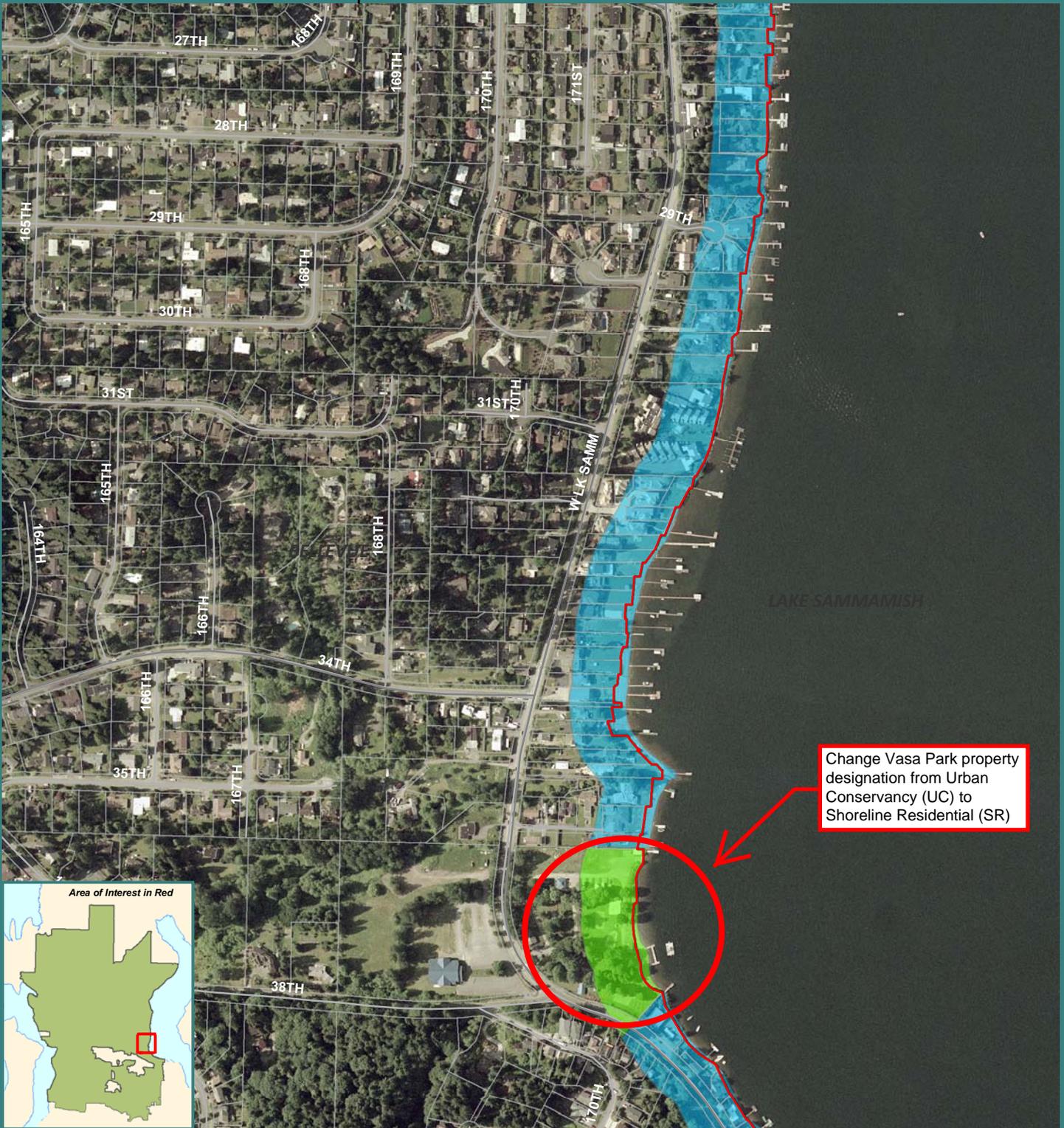
May, 2010.
Source: The Watershed Company, City of Bellevue

City of Bellevue Shoreline Master Program

LEGEND

- Marina
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18-Lake Sammamish

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0 250 500 FT

May, 2010.
Source: The Watershed Company, City of Bellevue

City of Bellevue Shoreline Master Program

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