



MEMORANDUM

DATE: May 7, 2010

TO: Chair Sheffels and Members of the Planning Commission

FROM: Shoreline Master Program Update Team

SUBJECT: Shoreline Master Program, Introduction to Working Draft—Planning Commission Study Session

At the May 12 study session, staff will present a recently completed working draft of the Shoreline Master Program (SMP). This memorandum describes the purpose of the draft, public outreach to date, and summarizes the assumptions that guided its initial development. Staff also proposes ways that the Commission might efficiently address the many policy and regulatory choices that are contained in the draft. To this end, staff has outlined a number of principles that might assist the Commission in reviewing the document and making some of the difficult choices required. At this study session, staff is requesting feedback from the Commission regarding items to examine in greater detail and the preferred order of their presentation. An additional review of this working draft is scheduled for June 9 and review of specific sections of the draft will continue in the summer. It is anticipated that a revised draft will be released in late summer followed by a public hearing in the fall.

BACKGROUND

The SMP update began with acceptance by the City Council of a Washington State Department of Ecology (Ecology) grant in late 2007. Consultant studies design to determine the shoreline jurisdiction and to conduct a shoreline inventory and characterization began in early 2008.

The shoreline characterization is designed to describe ecosystem-wide processes and ecological functions for all areas of shoreline jurisdiction through a systematic application of landscape ecological principles. The general idea is to work from the landscape or regional scale down to the reach scale, carefully summarizing the influences of a number of factors like geology, soils, hydrology, land cover type and land use. The next step is to identify which processes no longer function as they once did due to the impacts of urbanization or specific inputs of pollution. From this information one may make judgments about which shoreline reaches have high function and which do not, thereby influencing the kinds of uses that should be allowed and what level of protection should be provided.

During this same period, staff concentrated on public outreach, organizing a boat tour on Lake Washington to introduce Commission members and residents to the key issues of the SMP; conducting a statistically valid phone survey of hundreds of Bellevue residents; sending out a mailed notification to neighborhood associations; creating a web page and a blog; hosting a formal focus group; and staffing several informal discussion sessions. This introductory phase culminated in an open house on May 21, 2009 where more than 100 residents participated.

In early 2009, staff initiated the first substantive study sessions with the Commission by introducing proposed shoreline environments based on the shoreline analysis mentioned above. This work continued through the summer of 2009 until such time as the Commission requested additional science briefings intended to assist with a better understanding of the science supporting the requirements laid out in the Guidelines. These briefing sessions began with a presentation by the city's consultant and included Utilities Director, Denny Vidmar, on Bellevue's water quality program, and included a number of local scientists specializing in research on fish and lake ecology. The scientists were followed by agency panel representing a range of federal, state, and regional agencies, and the Muckleshoot Tribe, designed to help the Commission understand salmon and habitat recovery efforts in the region, the wider statewide interest required by the SMA, and role of updated SMPs in helping with that effort.

On March 24, the Planning Commission received a presentation by the Washington Sensible Shorelines Alliance (WSSA). With a large crowd looking on, WSSA covered a range of issues with the Commission, including the historical urbanization of Bellevue's lakes and wetlands, fisheries science in Lake Sammamish, the impacts of current permitting requirements, and the minimum legal requirements of the Act. Staff also has recently held small-scale meetings with stakeholders including shoreline pier and bulkhead builders, marina operators, and community groups from Newport Shores, Phantom Lake, Meydenbauer Bay and WSSA.

SMP "WORKING" DRAFT

While the Commission and staff have been actively engaging stakeholders, staff has also been working to develop a first draft of the updated SMP. This working draft is very preliminary in nature and as such *does not represent a staff recommendation*. It is the result of a compilation exercise that drew baseline information from existing policies and codes, specific language from the Guidelines, and other local shoreline master programs. Given the scale of the effort and the speed with which it was put together, the working draft may well contain conflicts, omissions, and errors. To the extent possible, baseline information was then modified to respond to concerns raised during community engagement and outreach efforts. This working draft also includes preliminary language, concepts, or placeholder space as necessary to offer a complete model of what the city's new SMP might look like. (This organizational structure is described in more detailed below.)

Transmittal of the SMP working draft is intended to provide a starting point for the interactive policy and code development phase of the SMP update process. It is expected that the Commission will seek to modify, update, or improve on this initial release. Nevertheless, this draft is sufficiently complete to provide the intended starting point for a conversation with the Commission and the community about appropriate policies and regulations. Release of this working draft is also intended to help focus community input on the regulatory issues that affect them. We anticipate strong community interest in the working draft and welcome any opportunity to work with community members to refine the document. For the Commission, the working draft provides the first comprehensive view of the overall scope of the update, thereby demonstrating how the various elements fit together.

PRINCIPLES FOR REVIEW

Consistent with Bellevue's past approach to environmental regulation and the City's commitment to fully implement the Shoreline Management Act by balancing its sometimes competing goals, the following principles were crafted by staff to help guide the SMP drafting process:

- **Bellevue Appropriate**: regulations should recognize that Bellevue is heavily urbanized and should be designed to ensure no net loss of existing environmental functions rather than require a return to pre-development conditions. In weighing environment protection against other needs, the city balances these goals and achieves protection through a variety of means, including regulation of property, incentives, and publically-supported restoration and acquisition.
- **Neighborhood Character**: the City's history of environmental protection and its vision of being a "City in a Park" have resulted in neighborhoods that reflect natural areas juxtaposed with the built environment. With the understanding that nature in cities enhances livability and personal well-being, regulatory amendments should continue this effort and focus on preserving or creating places and neighborhoods that people enjoy;
- **Balance**: the policy goals of the Act, implemented as they are by the planning policies of the City's Master Program, may not be achievable through regulation alone. Regulatory changes should be pursued only to the extent that such changes are consistent with all relevant constitutional and other legal limitations on the regulation of private property;
- **Predictable and Flexible**: consistent with other City efforts to improve the permitting experience for citizens, the regulatory amendments should be designed to be user-friendly and predictable, with the object of providing a range of options requiring a minimum of technical expertise, while preserving a flexible off-ramp to be tailored to accommodate unique site development alternatives; and,
- **Inclusive**: the City's Shoreline Update process should seek and include input from a wide range of stakeholders.

WORKING WITH THE DRAFT

When approved by Council and fully assembled and transmitted to Ecology for review and approval, the City's SMP will consist of three major components: (1) a set of comprehensive plan policies; (2) seven or more substantive regulatory chapters adopted as a separate part into the land use code; (3) a restoration plan that identifies opportunities and actions that the City might take to improve the shoreline environment; and (4) a number of appendices that contain key supporting documents such as jurisdictional boundaries, inventory and characterization, environment designation maps, and cumulative analysis. While the policies, regulations, and restoration plan are the primary components of the SMP, the compendium of policies, regulations, maps, studies, plans and analyses constitute the SMP package and all of it is subject to review and approval by Ecology.

At this point in the process, the comprehensive plan policies and regulations are combined into a single integrated document in an effort to more closely link discussion of policy with regulatory concepts. This approach is intended to aid readers in understanding the implication of a particular policy because the regulatory concepts flow from the policy discussion directly above. While the components of the SMP will be adopted into the Comprehensive Plan and Land Use Code, respectively, it is anticipated that a consolidated SMP document like that presented here will be printed after adoption to facilitate easy use by property owners and staff. Some of the major analytical components of the SMP—like the Restoration Plan and Cumulative Analysis—are not included at this time. The Restoration Plan is in preparation and the cumulative analysis cannot occur until the policy and regulatory approach is clear.

In most cases, each substantive section in the working draft begins with a discussion of applicability followed by a series of policies. As appropriate for comprehensive plan policies, most are relatively general in nature and are aimed at providing the policy direction from which regulations can be written. Because of the technical nature of shoreline issues and the precision with which the Guidelines deal with some topics, some policies are more directive than others.

In a clearly identified text box below the policies, you will find proposed regulations, or more commonly, regulatory concepts, designed to spur further discussion or serve as a place-holder for a larger regulatory discussion on particular subjects. It is staff's intention to identify and schedule topic discussions on those areas for which there is the most community interest first, thereby ensuring ample time for a thorough airing of views. To this end, staff is developing a series of topic and policy papers that will provide the necessary context and support for Commission discussions on each major section of the working draft. These will be provided as part of the agenda memos distributed before each meeting and will provide background and context prior to the topic discussion.

The following topic areas are recommended for detailed review: piers and docks, shoreline stabilization, setbacks and vegetation management, and marinas (each discussed herein) with additional discussion regarding nonconformities and restoration planning to be presented at a future date. Other subjects not listed here could be bundled for discussion at a single meeting. The Commission's direction on the list of topics to review in detail will help staff prepare materials for upcoming meetings.

TOPIC DISCUSSIONS

Staff proposes to follow a particular format in addressing each topic or chapter. A topic review will start with consideration of the state requirements, explain the relevant environment designation, and outline the existing Bellevue rules and policies related to that subject. To the extent that they are known, citizen concerns will also be identified. Next, these steps will be supplemented with a review of how some local jurisdictions have addressed the same subject and what state or regional agencies and groups recommend (e.g. WDFW and WRIA 8). Finally, staff will present policy and regulatory options on how the topic might be best addressed when considering the information presented. The Commission will be asked to provide feedback to staff that will be used to complete a revised draft.

REGULATORY THINKING IN KEY AREAS

The following information summarizes some of the assumptions that guided development of this working draft. These areas will likely be the focus of future conversations with the Planning Commission and the community.

What part of the shoreline should we scrutinize?

The SMP applies to that part of a property or properties 200 feet from ordinary high water mark and the aquatic area waterward of that mark to the jurisdictional boundary. Associated floodways and wetlands area also included. While the entire shoreline area is subject to regulation under the SMP, the impact on property owners can be greatly reduced if our regulatory focus is narrowed to a small part of this area on either side of the ordinary high water mark. Regulations aimed at moderating development impacts to this interface between land and water may result in the most significant positive effects on a range of critical habitat functions. This emphasis is justified because the coupling between terrestrial and aquatic systems is particularly strong along the lakeshore where human activities and their impacts can interfere with this relationship. Other areas are simply more resilient, suggesting that policies and regulations protecting this narrow area should be the chief interest under Bellevue's proposed SMP, with a lesser focus on activities within the shoreline area outside this zone.

Piers

Bellevue's current rules (adopted as part of the CAO update) for new piers and docks are comparable to those rules developed recently by Kirkland and Redmond, and under consideration by other cities on the lakes. With respect to overwater coverage and most dimensional standards they are virtually identical.

Bellevue's dock and bulkhead study, completed in 2000, formed the basis for our current rules. They are tailored to Bellevue conditions, and provide regulatory consistency with those required by the U.S. Army Corps of Engineers. In fact the Army Corps of Engineers referenced our study in support of our streamlined programmatic permit for piers on Lake Washington and Lake Sammamish.

In working on the SMP draft, staff assumed a range of flexible options to our current new pier design standards that will allow increased dock functionality while reducing critical nearshore habitat impacts. In response to ongoing concern from clients and construction professionals alike, staff also assumed changes that will make dock maintenance easier to undertake while allowing dock reconfiguration and when it results in an improvement in nearshore conditions.

Shoreline Stabilization (Bulkheads)

The SMP Guidelines are most prescriptive when addressing bulkheads. The City's current rules closely follow the Guidelines. Kirkland and Redmond have adopted regulations similar to Bellevue's with minor changes. Staff's approach in the SMP draft is to examine our current regulations and to tailor them for specific conditions like Phantom Lake, where bulkheads are generally not needed and have rarely been legally established, and Newport Shores' where, in certain areas, bulkheads are essential to the continued stabilization of the canals themselves. Regulatory concepts supporting routine maintenance repair, and replacement of legally established shoreline stabilization, except where such stabilization can no longer adequately serve its purpose, is also a key assumption in the draft.

Buffers and Setbacks

The current critical area provisions include a shoreline buffer and setback because, under the Growth Management Act, lakes are considered habitat that supports state species of importance. The current Bellevue buffer on a developed site is 25 feet, with an additional 25-foot structure setback. Sammamish has proposed a 45-foot setback, and Redmond has a 35-foot setback. Kirkland has a complicated system, but has a generalized minimum setback of 25 feet or 15 percent of the parcel depth. In all cases, there are options to reduce setbacks based on restorative actions by the property owner. Staff is developing a similar approach using a setback and not a

buffer except at Phantom Lake where large wetland systems create circumstances that necessitate a more tailored approach.

Vegetation Management

Preservation of existing vegetation is a key component of the SMP Guidelines. The cities of Kirkland and Redmond employ a range of approaches to preserving existing vegetation and to installing more. Kirkland sets retention standards for existing habitat trees and landscape standards for new shoreline development. Redmond has tree retention and vegetation requirements for commercial and multi-family zones but sets no specific standards for single-family. Sammamish limits clearing and thinning and encourages vegetation retention. In the draft SMP, staff assumed a comparable approach that ties modest levels of replanting to new development or redevelopment to offset loss of shoreline function. Staff acknowledges that views are an important community interest. Vegetation management regulations can be crafted to encourage vegetation conservation and restoration where practicable while also allowing water views and water access to be maintained.

NEXT STEPS

With the introduction of the working draft of the SMP, staff seeks Commission feedback to identify specific sections and topics that require additional or more detailed review. Review of the working draft and identification of issues is suggested to continue at the Commission’s meeting on June 9. Meetings that follow this summer may focus on specific topics identified and will work towards refining those related sections of the draft as we progress. This process could result in a revised draft being released in late September with a formal review of the draft to occur at a public hearing in October or November.

Table 1: The Tentative Work Schedule for the SMP Update

May/June	Introduce working draft Continue review working draft and identify target areas for detailed review
June/July	Review specific areas
September/October	Continue review of specific areas Introduce revised draft Continue review of revised draft
October/November	Open house Public Hearing on revised draft
November	Make recommendation to City Council

UNDER SEPARATE COVER

1. Shoreline Master Program Planning Commission Working Draft – May 12, 2010

Shoreline
Master Program

U P D A T E

**PLANNING COMMISSION WORKING
DRAFT**

MAY 12, 2010

PLANNING COMMISSION WORKING DRAFT PREFACE

DATE: May 12, 2010
TO: City of Bellevue Planning Commission, Members of the Public
FROM: Shoreline Master Program Update Team
SUBJECT: Release of May 12 Planning Commission Working Draft

Welcome to the first working draft version of the updated SMP. This is the first of several versions of a working draft that will be used as a basis for discussion with the City's Planning Commission. This working draft is very preliminary in nature and as such does not represent a staff recommendation. It is the result of a compilation exercise that drew baseline information from existing policies and codes, specific language from the Guidelines, and other local shoreline master programs. To the extent time was available, baseline information was then modified to respond to concerns raised during community engagement and outreach efforts. This working draft also includes preliminary language, concepts, or placeholder space as necessary to offer a complete model of what the city's new SMP might look like.

Transmittal of the SMP working draft is intended to provide a starting point for the interactive policy and code development phase of the SMP update process. It is expected that the Planning Commission will seek to modify, update, or improve on this initial release. However, this draft is sufficiently complete to provide a starting point for a conversation with the Commission and the community about appropriate policies and regulations. Release of this working draft is also intended to help focus community input on the regulatory issues that affect them. For the Commission, the working draft provides the first comprehensive view of the overall scope of the update, thereby demonstrating how the various elements fit together. As review by the Planning Commission progresses, a final draft will be prepared prior to a public hearing that will be held by the Planning Commission before transmittal to the City Council.

When approved by the City Council and fully assembled and transmitted to the State Department of Ecology for review and approval, the City's SMP will need to consist of three major components: (1) a set of comprehensive plan policies; (2) seven or more substantive regulatory chapters adopted as a separate part into the land use code; (3) a restoration plan that identifies opportunities and actions that the City might take to improve the shoreline environment; and (4) a number of appendices that contain key supporting documents such as jurisdictional boundaries, inventory and characterization, environment designation maps, and cumulative analysis. While the policies, regulations, and restoration plan are the primary components of the SMP, the

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The following topic areas are recommended for detailed review: piers and docks, shoreline stabilization, setbacks and vegetation management, and marinas (each discussed herein) with additional discussion regarding nonconformities and restoration planning to be presented a future date. Other subjects not listed here could be bundled for discussion at a single meeting. The Commission's direction on the list of topics to review in detail will help staff prepare materials for upcoming meetings.

Thank you for taking the time to review of this draft document. If you have any questions, comments, or suggestions please contact one of the members of the City's Shoreline Master Program update team at:

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CHAPTER 1 – INTRODUCTION TO THE SHORELINE MASTER PROGRAM

1.A. Shoreline Master Program (SMP) Overview

In 1969, the Washington State Supreme Court decided in the case of *Wilbur v. Gallagher* (77 Wn.2d 302), commonly known as the "Lake Chelan Case," that certain activities along shorelines were contrary to the public interest. The court findings required that the public interest be represented in the proper forum for determining the use of shoreline properties. The ramifications of this decision were significant in that developers, environmentalists, and other interested parties began to recognize—although probably for different reasons—the need for a comprehensive planning and regulatory program for shorelines.

Wilbur v. Gallagher was a case primarily involving property rights. It was decided at a time of heightened environmental awareness. At the same time, Congress was considering environmental legislation and subsequently passed a number of laws relating to protection of the environment including the National Environmental Policy Act (1969) and the Coastal Zone Management Act (1972). "Earth Day" and the concept of "spaceship earth" were part of the American scene. "Conservationists" had become "environmentalists" and some had even gone so far as to call themselves "ecologists." Whatever the name or concept, concern for fragile ecological areas became important, along with the rights associated with property ownership.

Voters of the state, seeing the failure of the Seacoast Management Bill in the state legislature, validated an initiative petition commonly titled the "Shoreline Protection Act." The state legislature, choosing between adoption of the people's initiative petition or its own alternative, passed into law the "Shoreline Management Act of 1971" (SMA) effective June 1, 1971, which contained the provision for both statutes to be deferred to the electorate in the November 1972 election. The election issue required that voters respond to two questions: (1) Did they favor shoreline management, and (2) Which alternative management program did they prefer? Most Washington voters favored both shoreline management and the legislature's alternative (providing greater local control), by an approximately 2-to-1 margin. It is important to keep in mind that the SMA was a response to a people's initiative and was ratified by the voters, giving the SMA a populist foundation as well as an environmental justification.

The SMA's paramount objectives are to protect and restore the valuable natural resources that shorelines represent and to plan for and foster all "reasonable and appropriate uses" that are dependent upon a waterfront location or that offer opportunities for the public to enjoy the state's shorelines. With this clear mandate, the SMA established a planning and regulatory program to be initiated at the local level under State guidance.

This cooperative effort balances local and state-wide interests in the management and development of shoreline areas by requiring local governments to plan (via shoreline master programs) and regulate (via permits) shoreline development within SMA

jurisdiction. (See “Geographic Applications of the SMA” below.) Local government actions are monitored by the Washington Department of Ecology (Ecology), which approves new or amended shoreline master programs (SMPs), reviews substantial development permits, and approves Conditional Use permits and variances.

After the SMA’s passage in 1971, Ecology adopted Chapter 173-18 WAC to serve as a standard for the implementation of the SMA and to provide direction to local governments and Ecology in preparing SMPs. Two hundred forty-seven cities and counties have prepared SMPs based on that WAC chapter. Over the years, local governments, with the help of Ecology, developed a set of practices and methodologies, the best of which were collected and described in the 1994 *Shoreline Management Guidebook*.

In 1995, the state legislature passed Engrossed Substitute House Bill 1724, which included several RCW amendments to better integrate the Growth Management Act (GMA), the Shoreline Management Act, and the State Environmental Policy Act (SEPA). The bill also directed Ecology to review and update the state SMA guidelines every five years. In response, Ecology undertook a primarily in-house process to prepare a new WAC chapter (also referred to in this *SMP* as the “Guidelines”). After meeting with a series of advisory committees and producing a number of informal drafts, Ecology formally proposed a new WAC rule for the SMA in April 1999. Subsequently, in 2003, the Legislature further clarified the integration of the SMA and GMA.

The rule was appealed and then-Governor Gary Locke and former Attorney General Christine Gregoire cosponsored a year-long mediation effort in 2002 that culminated in a third draft, which was issued for public comment in July 2002. That proposal had the endorsement of the Association of Washington Business, the Washington Aggregates & Concrete Association, the Washington Environmental Council (WEC) and other environmental organizations – all of whom were parties to the lawsuit.

Ecology received about 300 comments on the version proposed in 2003. Seventeen changes were made in response to those comments, to clarify language and to delete obsolete or duplicative references. The final version was adopted December 17, 2003.

The City’s Shoreline Master Program was first adopted in 1974. This SMP consists of the goals and policies in the city’s Comprehensive Plan and provisions in the City’s Land Use Code. Together these documents represent the City’s current SMP. Currently, no environment designations exist for any City of Bellevue shorelines.

1.A.1. Implementation of the SMA

RCW 90.58.020 clearly states how the Shoreline Management Act shall be implemented in the following citation:

“The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the

shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and

commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

1.B. Geographic Applications of the SMA

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated "shorelands." At a minimum, the waterbodies designated as shorelines of the state are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes whose area is greater than 20 acres. Shorelands are defined as:

"those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter... Any county or city may determine that portion of a one-hundred-year-floodplain to be included in its SMP as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom... Any city or county may also include in its SMP land necessary for buffers for critical areas (RCW 90.58.030)"

In addition, rivers with a mean annual cfs of 1,000 or more are considered shorelines of statewide significance.

The lateral extent of the shoreline jurisdiction shall be determined for specific cases based on the location of the ordinary high water mark (OHWM), floodway, and presence of associated wetlands.

The City's existing shoreline management area includes the shorelines along Lake Washington, lower Kelsey Creek, Mercer Slough, Lake Sammamish, Phantom Lake, and their associated wetlands. This shoreline management area has been adjusted (subject to City Council and Ecology approval) concurrent with this SMP update. Modifications to the jurisdiction boundary, as detailed in the Shoreline Analysis Report, are based on new information regarding associated wetlands and waterflow volume. Jurisdictional areas are as follows:

- Lake Washington

- Mercer Slough
- Lower Kelsey Creek
- Lake Sammamish
- Phantom Lake (including Larson Lake and other associated wetland areas)
- Shorelands 200 feet from the OHWM, and including the floodway and 200 feet of adjacent floodplain where present, of each of the listed waterbodies
- Associated wetlands

1.B.1. Applicable Area

The City of Bellevue is located in north-central King County. The City is surrounded by seven incorporated cities (Kirkland, Redmond, Issaquah, Newcastle, Clyde Hill, Medina, and Beaux Arts), with pockets of unincorporated King County in the southeast. Interstate 405 (I-405) passes through the City from north to south along the western edge of the City. Interstate 90 (I-90) and State Route (SR) 520 pass through the City from west to east respectively. The City encompasses approximately 32 square miles. The study area for this report includes all land currently within the City's proposed shoreline jurisdiction. The total area subject to the City's updated SMP is approximately 960 acres (1.50 square miles), and encompasses 19.7 miles of stream and lakeshore. Table 1 shows the breakdown of jurisdictional area for each shoreline waterbody.

Table 1. Area of shoreline jurisdiction.

Shoreline	Total Jurisdictional Area (acres)	Total Jurisdictional Area (square miles)
Lake Washington	219	0.34
Kelsey Creek/Mercer Slough	449	0.70
Lake Sammamish	119	0.19
Phantom Lake	173	0.27
TOTAL	960	1.50

1.C. How to Use This Shoreline Master Program Handbook

The City of Bellevue Shoreline Master Program is a planning document that outlines goals and policies for the shorelines of the City, and also establishes regulations for development occurring within shoreline jurisdiction.

In order to preserve and enhance the shorelines of the City of Bellevue, it is important that all development proposals relating to the shoreline are evaluated in terms of the City's Shoreline Master Program, and the City Shoreline Administrator is consulted. The Shoreline Administrator for the City of Bellevue is the Planning Director or his/her designee.

The Shoreline Management Act (SMA) defines for local jurisdictions the content and goals that should be represented in the Shoreline Master Programs developed by each community; within these guidelines, it is left to each community to develop the specific regulations appropriate to that community.

WORKING DRAFT

CHAPTER 2 – ENVIRONMENT DESIGNATION PROVISIONS

2.A. Introduction – Shoreline Environments

The Shoreline Management Act (Chapter 90.58 RCW) and Shoreline Guidelines (Title 173-26 WAC) provide for shoreline environment designations to serve as a tool for applying and tailoring general policies of the SMA to local shoreline circumstances. Pursuant to the Guidelines, shorelines of the state that meet the criteria established in WAC 173-26-211 are given a shoreline environment designation. The purpose of the shoreline designation system is to ensure that land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and that consideration is given to the special requirements of that environment. Shoreline environment designations provide a means of adapting broad policies to shoreline sub-units of differing conditions and value, and a means to integrate comprehensive planning into SMP regulations. In accordance with WAC 173-26-211, the following shoreline environment designation provisions apply; including purpose, designation criteria, and management policies. Where there is a contradiction between the use matrices and another SMP text provision, the text provision shall apply.

2.A.1. Shoreline Environment Designation Maps

The Shoreline Environment Designation Maps can be found in **Appendix A**. Pursuant to RCW 90.58.040, the maps illustrate the shoreline environment designations that apply to all shorelines of the state within the City of Bellevue's jurisdiction. The lateral extent of the shoreline jurisdiction shall be determined for specific cases based on the location of the ordinary high water mark (OHWM), floodway, and presence of associated wetlands. The maps should be used in conjunction with the matrices of Shoreline Use by Environment Designation in Section 2.C below. In the event of a mapping error, the City will rely upon the boundary descriptions, and the criteria in Section 2.C below shall apply.

2.B.1. Aquatic (A) Environment

2.B.1.a. Purpose of the A Environment

The purpose of the Aquatic environment is to protect, manage, and restore the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM).

2.B.1.b. A Designation Criteria

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

2.B.1.c. A Management Policies

Policy SH-1. New over-water structures should be prohibited except for water-dependent uses, piers and docks accessory to single-family residences, public access, or ecological restoration.

Policy SH-2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use and to assure no net loss of ecological functions.

Policy SH-3. Shared use of over-water structures should be encouraged.

Policy SH-4. Uses and structures determined to adversely impact the ecological function of shoreline areas should not be allowed except where necessary to achieve the objective of RCW 90.58.020 - Shoreline Management Act of 1971 (SMA) . The primary goals of the SMA are to encourage water-dependent uses, protect shoreline natural resources, and promote public access. If allowed, the impacts related to these uses and structures must be mitigated according to the sequence described in WAC 173-26-201(2)(e) (Comprehensive process to prepare or amend shoreline master programs), as necessary to assure no net loss of ecological functions.

Policy SH-5. Design and manage shoreline uses and modifications to prevent degradation of water quality.

Policy SH-6. Developments within the aquatic environment must be compatible with the abutting upland environment designation.

Policy SH-7. Encourage and support shoreline restoration in the Aquatic Environment and must improve ecological function.

Policy SH-8. New utility facilities (including underwater pipelines and cables) shall be prohibited; except, where there is no technically feasible alternative.

Policy SH-9. All developments and activities using navigable waters or their beds should be located and designed to minimize interference with surface navigation, to minimize adverse visual impacts, and to allow for safe and unobstructed passage of fish and wildlife, particularly those whose life cycle is dependent on migration.

2.B.2. Urban Conservancy (UC) Environment

2.B.2.a. Purpose of the UC Environment

The purpose of the Urban Conservancy environment 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.

2.B.2.b. UC Designation Criteria

An Urban Conservancy environment description will be assigned to City of Bellevue shorelands with moderate to high levels of existing ecological function for which existing and planned development is compatible with maintaining or restoring ecological functions. Included are those areas:

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

2.B.2.c. UC Management Policies

Policy SH-10. Limit uses in the Urban Conservancy Environment to those that do not substantially degrade ecological processes and functions. Allow water dependent and water-enjoyment uses that occur in a manner compatible with protection of existing ecological functions and processes.

Policy SH-11. Establish standards for shoreline stabilization measures, vegetation conservation, water quality, shoreline modification and impervious surface in the *urban conservancy* designation. These standards shall ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.

Policy SH-12. Implement public access and public recreation objectives whenever feasible and significant ecological impacts can be mitigated.

Policy SH-13. Give highest priority to water dependent uses that result in no net loss of ecological function. Water-oriented uses should be given priority over non-water oriented uses.

Policy SH-14. Establish standards for existing non-residential development in the Bellefield Urban Conservancy area requiring new construction as a conditional use. Provide partial compliance standards for repair and maintenance of existing structures and ancillary development.

Policy SH-15. Permitted commercial uses and activities enhancing the public's enjoyment of shorelines may be appropriate, provided these uses and activities occur in a manner that is compatible with protecting ecological functions and processes. Commercial and industrial uses, other than limited commercial activities conducted accessory to public or private parks, should be prohibited

2.B.3. Urban Conservancy-Open Space (UC-OS) Environment

2.B.3.a. Purpose of the UC-OS Environment

The purpose of the Urban Conservancy-Open Space environment is to protect, retain, or restore those shoreline areas that are relatively free of urban development or that include intact or minimally degraded shoreline functions intolerant of urban development. These systems require that only very low intensity uses be allowed to maintain the ecological functions and ecosystem wide processes. The primary management goal is to focus restoration where benefits to overall functions and processes can be realized while allowing a range of less intensive recreational uses than found in *urban conservancy*. Here the focus is on dispersed, low-intensity recreation, with walking, running, wildlife viewing and scientific education being the primary uses.

2.B.3.b. UC-OS Designation Criteria

An Urban Conservancy Open-Space environment designation will be assigned to City of Bellevue's shorelands with relatively high levels of existing ecological function for which existing and planned development is compatible with maintaining or restoring ecological functions. Included are those areas:

1. Where development activities and uses are confined to those activities that support low intensity, dispersed recreation, or other low intensity uses that are compatible with ecological restoration;
2. Where ecological functions are more intact than areas designated Urban Conservancy;
3. Where ecological function is high and ecological processes are mostly intact and where there is obvious potential for ecological restoration; or
4. Which contain critical areas or cultural features that require more than normal restrictions on development and use.

2.B.3.c. UC-OS Management Policies

Policy SH-16. Limit uses in the Urban Conservancy-Open Space Environment to those that sustain the shoreline area's physical and biological resources or to uses that do not substantially degrade ecological processes and functions while providing a range of dispersed low-intensity recreational opportunities.

Policy SH-17. Establish standards that limit development and disturbance of vegetation that would reduce the capability of vegetation to perform ecological functions. Similarly, establish standards for shoreline stabilization measures, vegetation conservation, water quality, shoreline modification and impervious surface in the Urban Conservancy Open-Space environment. These standards shall ensure that new development results in no net loss of shoreline ecological functions and does not further degrade other shoreline values.

Policy SH-18. Implement public access and public recreation objectives whenever feasible and significant ecological impacts can be limited or avoided.

Policy SH-19. Favor low intensity recreational uses; provided, significant disruption of wetland and shoreline functions does not occur. Water-oriented uses should be given priority over non-water oriented uses. Uses, such as low-intensity recreational, scientific, historical, cultural and educational uses, must be encouraged; provided, no significant ecological impact occurs as a result. Commercial activities should be avoided except those that facilitate low-intensity recreational opportunities such as dispersed personal watercraft access and science education and training.

Policy SH-20. Existing low-intensity agriculture may be maintained according to best management practices to the extent that it does not occur in a manner inconsistent with the purpose of the designation.

2.B.4. Shoreline Residential (SR) Environment

2.B.4.a. Purpose of the SR Environment

The purpose of the Shoreline Residential environment is to accommodate single or multifamily residential development and associated accessory structures that are consistent with this shoreline master program.

2.B.4.b. SR Designation Criteria

A Shoreline Residential environment designation will be assigned to City of Bellevue's shorelands if they are predominantly residential development or are planned for residential development, and exhibit moderate to low levels of ecological functions because of historic shoreline modification.

2.B.4.c. SR Management Policies

Policy SH-21. Establish standards for density, minimum frontage width, setbacks, lot coverage limitations, shoreline stabilization, vegetation conservation, critical area protection, and water quality. Standards must be established to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

Policy SH-22. New multifamily and multi-lot residential and recreational developments should provide public access and joint use for community recreational facilities. This policy is not intended to apply to existing residential uses.

Policy SH-23. Water-oriented recreational uses should be allowed.

2.B.5. Shoreline Residential Canal (SRC) Environment

2.B.5.a. Purpose of the SRC Environment

The purpose of the Shoreline Residential Canal environment is to maintain single-family residential development adjacent to artificially-created canals in the Newport Shores Community. The SRC designation acknowledges the unique characteristics of that portion of the Newport Shores Community that is dependent on the artificial canals for access to waters of the state for the purpose of navigation. This environment also identifies specific physical and biological constraints related to the presence of engineered bulkheads to support the artificial canal system and the filled lands behind the bulkheads.

2.B.5.b. SRC Designation Criteria

A Shoreline Residential Canal environment designation is assigned to those properties within the Newport Shores community with frontage along an artificial canal system which is dependent upon engineered bulkheads for structural support. These areas are characterized by a relatively low-level ecological function. The SRC environment does not include those Newport Shores properties that are located along sections of Lake Washington shoreline and not on canals.

2.B.5.c. SRC Management Policies

Policy SH-24. Allow for the maintenance, repair, and replacement of the canal structural bulkheads to retain the canals in their existing configuration as necessary to preserve the original design; provided the objective of no net loss of ecological function is satisfied.

Policy SH-25. Develop standards for density or minimum shoreline frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality to assure no net loss of shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

Policy SH-26. Allow water-oriented recreational uses.

2.B.6 Marina-Civic (M-C) Environment

Civic marinas are water dependent public facilities where the primary emphasis is to grant public access to viewing water-oriented recreation and to provide the ability for the public to enjoy a state resource that is largely inaccessible to the public as a result of public ownership patterns. Civic marinas include boat launching, boat storage, boat moorage, and general boat services. Civic marinas may provide parking areas for automobiles, waste collection, rental activities, and retail establishments including minor boat repair. The Marina Civic environment includes uses related to boat launching, boat storage, and boat moorage.

2.B.6.a. Purpose of the M-C Environment

The purpose of the Marina Civic environment is to provide for a variety of publically accessible water-oriented uses, with a primary focus on water-dependent and water-related activities associated with recreational boating and compatible with the surrounding community. The Marina Civic environment should not support heavy commercial or industrial uses, other than limited commercial activities conducted accessory to marina use.

2.B.6.b. M-C Designation Criteria

A Marina Civic environment designation shall be applied to those areas along the City of Bellevue's shoreline currently in public ownership and used as marinas in support of water dependent recreational boating uses and associated activities. Additional Marina Civic environment areas may be designated as demand for public access to viewing, water-oriented recreation, and recreational boating facilities increases. Facilities developed under the Marina Civic environment designation must be primarily held in public ownership in order to provide the most expansive public access available to the limited state resource.

2.B.6.c. M-C Management Policies

Policy SH-27. In regulating the Marina Civic environment, first priority should be given to publically accessible water-dependent uses. Second priority should be given to publically accessible water-related and water-enjoyment uses.

Policy SH-28. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of marina modifications, re-development, or new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with any relevant state and federal law.

Policy SH-29. Implement aesthetic objectives in marina civic areas by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetation management areas.

Policy SH-30. Locate, design, and operate public marinas in a manner that will minimize environmental pollution. Use of best management practices should be promoted to control pollutants from boat use, maintenance, and repair, as well as to provide proper sewage disposal and transfer of noxious vegetation.

2.B.7. Marina (M) Environment

Marinas are water dependent private facilities that include boat launching, boat storage, boat moorage, and general boat services. Marinas also provide parking areas for automobiles, waste collection, boat sales or rental activities, retail establishments including fueling service, and boat repair or servicing facilities. Due to a demand for boat storage and launching facilities within the City, Bellevue's shorelines will continue to be heavily pressured for this type of use. Depending on their size, marinas can be hubs of activity for boat and automobile traffic. They generate noise, air, and water pollution and are prominent space users of shoreline resources. If designed and regulated appropriately, marinas can efficiently provide access to a larger population of the City's recreational boating public, while achieving an objective of no net loss in ecologic function and protection of adjacent uses. New marinas or boat launching facilities should be located with regard to the most favorable physiographic conditions, such as wind and current protection, and adequate water depth for expected boat drafts.

2.B.7.a. Purpose of the M Environment

The purpose of the Marina environment is to provide for a variety of water-oriented uses, with a primary focus on water-dependent and water-related activities associated with recreational boating. The Marina environment is not intended to support heavy commercial and industrial uses; however, limited non water-oriented commercial uses should be allowed when part of a mixed-use marina development that incorporates public access and ecological restoration.

2.B.7.b. M Designation Criteria

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

2.B.7.c. M Management Policies

Policy SH-31. First priority should be given to water-dependent uses in the Marina environment. Second priority should be given to water-related and water-enjoyment uses. Non water-oriented uses should not be allowed except as part of mixed use developments. Non water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline. Such specific situations should be identified in shoreline use analysis or special area planning, as described in WAC 173-26-200(3)(d).

Policy SH-32. Policies and regulations shall assure no net loss of shoreline ecological functions as a result of marina modifications, re-development, or new development. Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with any relevant state and federal law.

Policy SH-33. Marinas should be distributed for convenient water access, and should be located at shoreline locations adjacent to waters used for navigation.

Policy SH-34. Redevelopment of existing marina locations to increase capacity is preferred over the siting and development of new marina facilities.

Policy SH-35. Allow new marinas and boating facilities only if served by adequate infrastructure.

Policy SH-36. Marinas should be located, designed, and operated in a manner that will minimize environmental pollution. Use of best management practices shall be required to control pollutants from boat use, maintenance, and repair, as well as to ensure proper sewage disposal and transfer of noxious vegetation.

Policy SH-37. Expansions and redevelopment of marinas to incorporate environmentally sensitive alternative upland boat storage facilities, such as stacked boat storage or trailered boat storage, should be preferred over traditional aquatic boat moorage.

2.C. Shoreline Use and Modification Matrices

***Note: Use charts in LUC 20.10.440 do not apply in Shoreline Jurisdiction.**

Chart 1. Shoreline Use Chart

- P = Allowed Use
- C = May be permitted as a conditional use only
- X = Prohibited: the use is not eligible for a variance or conditional use permit¹¹

SHORELINE USE

Aquatic ¹³	Urban Conservancy - Open Space	Urban Conservancy	Shoreline Residential	Shoreline Residential Canal	Marina	Marina Civic
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- P = Allowed Use
- C = May be permitted as a conditional use only
- X = Prohibited: the use is not eligible for a variance or conditional use permit¹¹

SHORELINE USE	Aquatic ¹³	Urban Conservancy - Open Space	Urban Conservancy	Shoreline Residential	Shoreline Residential Canal	Marina	Marina Civic
Agriculture & Resource Management							
Agriculture	X	P ²²	P	X	X	X	X
Aquaculture	C	C	C	X	X	X	X
Nurseries	x	P	P	X	X	X	X
Equestrian and livestock facilities	X	X	X	X	X	X	X
Animal kennels	X	X	X	X	X	X	X
Boating facilities							
Public marinas ¹⁶	C	C	X	X	X	C	C
Private marinas ¹⁶	C	C	X	X	X	C	C
Boat launch ramps (motorized)	C	X	X	X	X	C	C
Boat launch ramps (non-motorized)	P	X	X	X	X	P	P
Boating equipment sales and rental	C	X	X	X	X	C	C
Boat rental (motorized)	X	X	X	X	X	P	X
Boat rental (non-motorized)	X	X	X	X	X	P	P
Boat repair and maintenance	X	X	X	X	X	P	X
Boat repair services	C	X	X	X	X	C	C
Boat storage (dry stacked)	X	X	X	X	X	P	P/C
Boat storage (cradle and trailer storage)	X	X	X	X	X	P	X
Boat storage (human powered)	X	X	X	X	X	P	X
Fueling facilities	X	X	X	X	X	P	P ²¹
Moorage (Transient Overnight)	X	X	X	X	X	P	X
Moorage (Day Moorage)	X	X	X	X	X	P	P
Marine retail	X	X	X	X	X	P	X
Residential Live aboard	X	X	X	X	X	P ¹⁸	P ¹⁸
Commercial:							
Water-dependent commercial, wholesale, retail	C	P ¹	P ¹	X	X	P ¹⁹	P ^{1,19}
Water-related, water-enjoyment commercial, wholesale, retail	X	X	P ¹	X	X	P	P ¹
Nonwater-oriented commercial, wholesale, retail	X	X	X	X	X	X	X
Office Park ¹⁴	X	X	P ¹⁴	X	X	X	X

- P = Allowed Use
C = May be permitted as a conditional use only
X = Prohibited: the use is not eligible for a variance or conditional use permit¹¹

SHORELINE USE	Aquatic¹³	Urban Conservancy - Open Space	Urban Conservancy	Shoreline Residential	Shoreline Residential Canal	Marina	Marina Civic
Office (general)	X	X	X	X	X	P ¹⁵	P ¹⁵
Hotel	X	X	X	X	X	X	C
Eating and drinking establishments	X	X	X	X	X	P ¹⁹	P ¹⁹
Flood hazard management	P	P	P	P	P	P	P
Industrial	X	X	X	X	X	X	X
In-stream structures	P ¹⁰	P ¹⁰	P ¹⁰	P ¹⁰	X	P ¹⁰	P ¹⁰
Mining	X	X	X	X	X	X	X
Parking (accessory)	X	P ²	P ²	P	P	P ²⁰	P ²¹
Parking (primary, including paid)	X	X	X	X	X	X	X
Public and institutional:							
Water-dependent (such as, boating or sailing schools, etc.)	C	P	P	X	X	P	P
Water-enjoyment (educational and interpretive facilities)	X	P	P	X	X	P	P ²¹
Nonwater-oriented	X	X	X	X	X	X	X
Recreation:							
Water-dependent (swimming, fishing, etc)	P	P	P ³	P	P	P	P
Water-enjoyment (picnicking, trails, etc)	C	P	P ³	X	P	P	P
Nonwater-oriented (tennis courts, playground, etc.)	X	P ⁴	X	X	X	X	X
Yacht clubs	X	X	X	X	X	P	P ²¹
Residential							
Single-family residential	X	P ⁸	P ⁸	P	P	P ¹⁹	P ¹⁹
Multifamily residential	X	X	X	P	X	P ¹⁹	P ¹⁹
Signs¹²:							
On premises	P ¹²	P	X	X	X	P	P
Off premise	P	X	X	X	X	X	X
Public, highway	P ¹²	P	P	P	X	P	P
Solid waste disposal	X	X	X	X	X	X	X

P = Allowed Use
C = May be permitted as a conditional use only
X = Prohibited: the use is not eligible for a variance or conditional use permit¹¹

SHORELINE USE	Aquatic¹³	Urban Conservancy - Open Space	Urban Conservancy	Shoreline Residential	Shoreline Residential Canal	Marina	Marina Civic
Transportation:							
Water-dependent	P	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷
Nonwater-oriented	P ⁹	P ⁷	X	P ⁷	P ⁷	P ⁷	P ⁷
Roads, railroads ⁷	P ⁹	P ⁷	X	P ⁷	P ⁷	P ⁷	P ⁷
Bridges: autos, railroads	P ⁹	C ⁷	P	P ⁷	P ⁷	P ⁷	P ⁷
Bridges: pedestrian, bicycle, equestrian	P ⁹	C ⁷	P	P ⁷	P ⁷	P ⁷	P ⁷
Bridges: regional light rail transit (<i>To be determined</i>)	TB D	TBD	TBD	TB D	TBD	TB D	TBD
Private, non-commercial float plane landing and mooring facilities on Lake Sammamish	X ⁹	C ⁷	C ⁷	C ⁷	C ⁷	C ⁷	C ⁷
Utilities (primary)⁷							
Water-dependent (outfalls) ¹⁷	P ⁹	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷
Substation and storage	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷
Under-water or over-water crossings	X	X	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷
Broadcast and relay towers	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹
Other non-commercial wireless communication facilities	X	X	X	X	X	X	X
Utilities (accessory)							
Accessory utilities and other underground utilities	P ⁹	P	P	P	P	P	P
Stormwater conveyance facilities accessory to principal use. ¹⁷	P ⁹	P	P	P	P	P	P
Utility lines attached to existing bridge structures and underground lines	P ⁹	P	P	P	P	P	P
Under-water or over-water crossings	P ⁹	P	P	P	P	P	P

Use Chart Notes:

1. Park concessions, such as small food stands, cafes, and restaurants with views and seating oriented to the water, and uses that enhance the opportunity to enjoy publicly accessible shorelines are allowed.
2. Accessory parking is allowed in shoreline jurisdiction only if there is no other feasible option, as determined by the City.

3. Passive activities, such as nature watching and trails, which require little development and with no significant adverse impacts may be allowed.
4. Nonwater-oriented uses may be allowed as a permitted use where the City determines that water-dependent or water-enjoyment use of the shoreline is not feasible due to the configuration of the shoreline and water body or due to the underlying land use classification in the comprehensive plan.
5. Land division is only allowed where the City determines that it is for a public purpose.
6. Signs are allowed for public facilities only.
7. Transportation facilities and public utilities are allowed if there is no other feasible alternative, as determined by the City, and all significant adverse impacts are mitigated.
8. Residences are allowed in shoreline jurisdiction only if it is not feasible, as determined by the City, to locate the building on the portion of the property outside shoreline jurisdiction.
9. Water crossings are allowed, provided there is no feasible alternative and impacts are mitigated.
10. Allowed for environmental restoration only.
11. For the treatment of existing nonconforming development, see Chapter 7 Section C.
12. See provisions for signs in Section 3.B.9.
13. Uses noted as allowed in the Aquatic environment are allowed only if allowed in the adjacent upland environment.
14. See specific provisions for Bellefield Office Park under Commercial Use section.
15. Offices accessory to a water-dependent use may be allowed.
16. Design review shall be required as a part of the conditional use permit for new or expanded marinas.
17. Discharge of stormwater must comply with the applicable Phase II NPDES General Permit for Stormwater Discharges (Phase II) and Chapter 24.06 of the Bellevue City Code.
18. In Marina and Marina Civic, residential liveaboards are permitted with an approved residence plan and compliance with green marina standards.
19. Allowed only as a subordinate use to a permitted use.
20. Allowed only in support of existing marina use.
21. Allowed only in support of existing marina use and as approved in the City of Bellevue's Parks Master Plan.
22. Allowed only with an approved operations and maintenance plan.

CHAPTER 3 – SHORELINE USE PROVISIONS

3.A. Introduction

The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction.

3.B.1. General Shoreline Use Policies and Regulations

3.B.1.a. *Applicability of General Use Policies and Regulations*

The following provisions apply to all uses in shoreline jurisdiction.

3.B.1.b. *General Use Policies*

POLICY SH-38. The City should ensure that all proposed shoreline development will protect the public's health, safety, and welfare, and should endeavor to protect property rights while implementing the policies of the Shoreline Management Act and the City's SMP.

POLICY SH-39. The City should give preference to those uses that are consistent with the City's SMP, or are unique to or dependent upon uses of the state's shoreline areas.

POLICY SH-40. Single family development is the most common land use along Bellevue's shorelines and is a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment (WAC 173-26-142(3)(j)).

POLICY SH-41. The City should reduce use conflicts by prohibiting or applying special conditions to those uses which are inconsistent with this SMP, or are not unique to or dependent upon use of the state's shoreline. In implementing this policy, preference should be given first to water-dependent uses, then to water-related uses, and water-enjoyment uses.

POLICY SH-42. Provide adequate setbacks from the City's lake shores to protect sensitive features and functions typical to the City's shorelines while recognizing accessory uses typical to the use that occupies the site.

POLICY SH-43. Guide development activity through dimensional and density standards appropriate to the shoreline jurisdiction. Standards should include setbacks, building heights, lot coverage, impervious surface, and other land use controls essential to provide guidance for future growth and development within the shoreline jurisdiction. Development regulations should, when possible, avoid, minimize, and mitigate impacts from development to ecological functions.

POLICY SH-44. Locate, design, and manage shoreline uses to prevent significant adverse impacts to ecological functions, such as water quality, and fish and wildlife habitat.

POLICY SH-45. Ensure that the objective of no net loss of ecological function is met through establishment of appropriate use regulations in response to findings of the City's shoreline inventory and assessment.

3.B.1.c. General Use Regulations (PROPOSED REGULATIONS AND REGULATORY CONCEPTS)

Proposed Regulations:

1. Any development within the shoreline jurisdiction shall comply with this SMP and all applicable Bellevue codes and policies, including but not limited to the Comprehensive Plan, the Bellevue Land Use Code, Sign Code, and clearing and grading regulations. When conflicts exist, the more protective rule shall apply.
2. Where applicable, all federal and state water quality and effluent standards shall be met.
3. If an upland portion of a property extends into the shoreline jurisdiction, SMP policies regulations shall apply only to that portion of the property lying within shoreline jurisdiction.
4. All development within shoreline jurisdiction shall be accompanied by a plan indicating methods of preserving shoreline vegetation and for control of erosion during and following construction in accordance with this SMP, the City of Bellevue Clearing and Grading regulations, Chapter 23.76 BCC, Storm Code, Chapter 24.06 BCC, and the Comprehensive Plan.
5. Accept for human propelled small unlicensed watercraft (such as kayaks or skiffs), the dead storage of watercraft water ward of the ordinary high water mark of the shoreline is prohibited.
6. Where applicable, state and federal standards for the use of herbicides, pesticides and/or fertilizers shall be met, unless superseded by more restrictive City of Bellevue codes. Use of such practices in the shoreline shall comply with the City's "Environmental Best Management Practices."
7. Adequate storm drainage and sewer facilities must be operational before construction of new development within shoreline jurisdiction. Storm drainage facilities shall be separated from sewage disposal systems.

Proposed Regulatory Concepts:

- Create siting standards applicable to all uses.
- Simplify existing density and dimensional standards (LUC 20.20.10) to include requirements appropriate for application in the shoreline jurisdiction and appropriate to protect shoreline features and functions.
- Develop appropriate shoreline setback standards.

3.B.2. Agriculture

Historically, the City of Bellevue prospered as a farming community. Remnants of this heritage can be found along the shoreline of Lake Washington in the Mercer Slough area and in the areas surrounding Phantom Lake in the Lake Hills Greenbelt. Crops that remain in active cultivation are dependent on the wet rich soils typical to wetland environments. Currently, all remnant agricultural lands are under City ownership and are managed as berry, flower, and vegetable farms, as well as cultural and recreation resources for the City.

3.B.2.a. Applicability of Agriculture Policies and Regulations

These policies and regulations apply to all agricultural uses and activities in the shoreline jurisdiction.

Uses and shoreline modifications associated with agriculture that are identified as separate use activities, such as farm stands or shoreline stabilization, are subject to the policies and regulations established for those uses in addition to the policies and standards established in this agriculture section. This section is not intended to allow shoreline modifications to protect the agricultural use in wetlands.

3.B.2.b. Agriculture Policies

POLICY SH-46. Allow existing agriculture in wetlands and in the 100-year floodplain so long as water quality, vegetation composition, and buffer functions are not substantially impacted.

POLICY SH-47. As a remnant of Bellevue's agricultural heritage, existing agricultural uses located within Bellevue's shoreline jurisdiction should be allowed to continue under public ownership in the Urban Conservancy and Urban Conservancy Open Space environments and these uses should not expand or intensify.

POLICY SH-48. Landscape modifications associated with existing agricultural uses should be limited to those necessary to maintain existing conditions and shall be the minimum necessary to allow a continuation of the agricultural use.

POLICY SH-49. New or existing agricultural uses operated pursuant to sustainable farming practices (define) may be developed or expanded through a conditional use process on City-owned shorelands outside of wetlands and floodplains.

POLICY SH-50. To ensure predictability in the management of agricultural uses, maintenance, operation, and management plans should be developed for agricultural uses within the City's shoreline jurisdiction.

POLICY SH-51. Require the restoration of wetland resources on sites that previously hosted agriculture uses, but are now abandoned and non-operational.

3.B.2.c. Agriculture Regulations (PROPOSED REGULATORY CONCEPTS)

- Develop management standards for farming activities.

- Allow the agriculture activities located on City-owned property to continue, but expansion should be prohibited in a wetland or floodplains.
- Allow new or expanded agricultural uses on City-owned property outside of wetland or floodplains using a conditional use process.
- Require existing and new agricultural uses to develop and submit to the City for review and approval of an operations and management plan addressing native vegetation preservation, erosion control, water quality, and the use of agricultural chemicals and pesticides.
- Develop standards addressing erosion control related to farming practices. Encourage the use of stream buffer plantings and organic farming techniques to reduce impacts from existing practices.
- Develop dimensional standards for structures associated with agricultural uses.
- Develop standards that require all structures, accessory buildings, and ancillary facilities to be built and located to prevent agricultural wastes from entering ground and surface water.
- Develop standards requiring farming practices consistent with the standards established by the King County Conservation District and the Soil Conservation Service, U.S. Department of Agriculture.
- Prohibit new or expanded agricultural uses in wetlands, riparian zones, floodplains, and shoreline setbacks.

3.B.3. Aquaculture

3.B.3.a. Applicability of Aquaculture Policies and Regulations

This section applies to all aquaculture activities, including hatchery activity, farming of food fish, shellfish, or other aquatic plants and animals.

3.B.3.b. Aquaculture Policies

POLICY SH-52. Prohibit the development of private aquaculture facilities within the City's shoreline jurisdiction.

POLICY SH-53. Allow aquaculture uses developed as part of a fish recovery program sponsored, developed, and operated by a government entity or tribe.

POLICY SH-54. When allowed, aquaculture uses should be designed and located so as not to spread disease to native aquatic life, establish new non-native species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

3.B.3.c. Aquaculture Regulations (PROPOSED REGULATIONS)

1. When construction of aquaculture structures is permitted, it shall be done with minimum disturbance to the existing shorelines.
2. The quality of water discharged into critical areas from rearing ponds shall not adversely affect the quality of the recipient waters or associated wetlands.

3. No structure which might reasonably hinder the passage of anadromous fish shall be permitted within the Shoreline Overlay District.
4. Aquaculture development must be conducted in a way which does not adversely affect the aesthetic or environmental quality of any wetland and its interrelated stream habitat; and
5. Aquaculture must, to the extent feasible, use underwater structures for fish-rearing facilities.
6. Project proponents shall obtain all required state and federal permits necessary to develop and operate allowed aquaculture facility.

3.B.4. Marinas and Non-Residential Boating Facilities

Non-residential boating facilities include dry storage and wet-moorage types, boat launch ramps, covered moorage, boat houses, mooring buoys, and marine travel lifts.

The "Marina" use includes boat storage, boat maintenance, boat repair, retail boat sales, the sale of boat parts, boat launching, administration and facility offices, retail sale of boating related items (including food and beverage), restrooms, and facility parking.

Additional accessory uses that may be found in both non-residential boating facilities or marinas may include fuel docks and storage, boating equipment sales and rental, wash-down facilities, fish cleaning stations, , public launching, bait and tackle shops, potable water filling, sewage pump outs, waste disposal, and limited subordinate retail sales.

3.B.4.a. Applicability of Marinas and Non-Residential Boating Facilities Policies and Regulations

This section is intended to guide the siting of marinas and non-residential boating facilities in the shoreline jurisdiction and includes design standards intended to limit environmental and aesthetic impacts associated with boating facilities.

For the purposes of this chapter, "boating facilities" excludes docks serving four or fewer single-family residences. Technical standards for the construction and maintenance of all boating facilities are addressed in Chapter 5 - Shoreline Modifications.

There are amenities and activities associated with the boating facility use that are identified in this section as separate uses (e.g., Commercial Development, including repair yards, utilities, and transportation facilities), or as separate shoreline modifications (e.g., piers, docks, bulkheads, breakwaters, jetties and groins, dredging, and fill). These uses are subject to the regulations established for those uses and modifications in addition to the standards for boating facilities established in this section.

3.B.4.b. Marinas and Non-Residential Boating Facilities Policies:

All policies for the Marina environment designation apply to this section, and furthermore to the extent applicable, apply to all non-residential boating facilities.

POLICY SH-55. New non-residential boating facilities and marinas should be located only at sites with suitable environmental conditions, shoreline configuration, access, and compatible neighboring upland uses.

POLICY SH-56. Encourage existing marinas to provide public small boat launching facilities, and require new marinas to provide public small boat launching facilities.

POLICY SH-57. Floating homes, with no propulsion or steering, shall be prohibited.

POLICY SH-58. Require translucent materials when repairing or replacing existing covered moorage in marinas.

POLICY SH-59. Design and locate marinas and non-residential boating facilities to be compatible with in-water recreational activities, and to be aesthetically and functionally compatible with the shoreline area and nearby uses.

POLICY SH-60. Where applicable, new development shall include environmental cleanup and restoration of the shoreline to comply with any relevant state and federal law.

POLICY SH-61. Aesthetic impacts should first be avoided and then minimized. Aesthetic objectives should be implemented in marina areas by means such as sign control regulations, appropriate development siting, screening, architectural design guidelines, and maintenance of natural vegetative buffers.

POLICY SH-62. Redevelopment of existing marina and boating facilities shall not result in significant adverse environmental impacts.

POLICY SH-63. Expansion or redevelopment of existing marina and boating facilities shall be the minimum necessary to achieve the facilities functional objective.

POLICY SH-64. Where feasible, new terrestrial dry boat storage (racks) shall be preferred over new aquatic wet boat storage or moorage (overwater slips).

POLICY SH-65. Encourage the development of a master plan covering long-term operation and maintenance to facilitate site permitting needs.

3.B.4.c. Marinas and Non-Residential Boating Facilities Regulations (PROPOSED REGULATORY CONCEPTS)

- Develop standards for repair and maintenance of existing marina and non-residential moorage facilities.
- Develop standards directing the siting and design of new and expanded marinas and non-residential mooring facilities. Standards will include provisions regulating incompatible uses, such as floating homes, and encourage the conversion to environmentally sensitive materials and design. Standards shall ensure that for new or expanded uses appropriate mitigation is applied following mitigation sequencing. Standards shall require, where feasible, public access to the shoreline.

- Develop standards specific to boat launches not part of marinas.
- Develop standards allowing the use of a Master Use Permit addressing upland and in-water uses, and review would include long-term site planning, operation, and maintenance issues.
- Develop standards addressing marina and non-residential boating facility operations, such as loading, hours of operation, boat launches, and navigational markings.
- Develop standards for upland marina and non-residential boating facilities, such as retail sales, stacked boat storage, parking, educational facilities, and public access.

3.B.5. Existing Non-Water Oriented Commercial Development [Bellefield Office Park]

3.B.5.a. Applicability of Non-Water Oriented Commercial Development Policies and Regulations

This section applies only to commercial development and redevelopment in the Bellefield Office Park. Restaurants are an allowed use in the Bellefield Office Park.

3.B.5.b. Non-Water Oriented Commercial Development Policies:

POLICY SH-66. Where feasible, allow the continuation of existing non-conforming uses through the redevelopment of existing, non-conforming commercial structures when the redevelopment results in a net improvement of ecological function and the structure meets current development standards.

POLICY SH-67. To facilitate environmentally-sound redevelopment, incentivize the transfer of density and structures away from sensitive shoreline resources.

POLICY SH-68. Restrict new commercial development to water-oriented uses for those sites within the shoreline jurisdiction already developed as commercial uses.

POLICY SH-69. Allow for the maintenance and repair of existing, non-conforming commercial facilities and require proportional shoreline restoration.

POLICY SH-70. Allow for and encourage the conversion of office use and development to water-oriented uses.

POLICY SH-71. Allow for transfer of development rights in Bellefield Office Park to identified and available receiving sites, to allow site to be redeveloped as a regional mitigation site or public park.

POLICY SH-72. When allowed, commercial development should be designed with the objective of minimizing impact on ecological functions and other shoreline uses.

Policy SH-73. Commercial development, other than that associated with park uses, marina uses, and non-residential boating facilities, is not allowed in the City's shoreline jurisdiction.

POLICY SH-74. Prohibit the storage, sale, and distribution of hazardous materials in the shoreline jurisdiction, except for petroleum products as allowed with marina facilities.

POLICY SH-75. All new water-related and water-enjoyment development shall be conditioned with the requirement for ecological restoration and public access unless those activities are demonstrated to be not feasible.

POLICY SH-76. All new nonwater-oriented development, where allowed, shall be conditioned with the requirement to provide ecological restoration and public access.

POLICY SH-77. Commercial development shall be located or screened to minimize adverse impacts to the shoreline environment and maintain or enhance the existing natural character of the site through the incorporation of appropriate landscaping, building scale, and materials.

POLICY SH-78. Prioritize the preservation and enhancement of optimal ecological services or landscape functions within an ecological unit in to promote long-term ecological system vitality.

3.B.5.c. Non-Water Oriented Commercial Development Regulations (PROPOSED REGULATORY CONCEPTS)

- Develop standards addressing existing, non-water related uses.
- Develop appropriate standards addressing the difference between minor and major maintenance activities.
- Allow flexible incentives for restoration and public access to reduce parking requirements.
- Develop standards addressing the change and abandonment of uses, and addressing the redevelopment or construction of structures.
- Develop standards addressing development potential for Bellefield Office Park, including incentives to transfer density, structures, away from sensitive shoreline structures. Determine Develop standards restricting the distribution and sale of hazardous materials in the shoreline jurisdiction except for petroleum products in marinas.
- Any commercial development located within shoreline jurisdiction shall be equipped to contain and clean up pollutant spills, as required by state and federal regulations.
- Develop dimension, density, and design standards for commercial development when allowed.

3.B.6. In-Stream Structures

3.B.6.a. Applicability of In-Stream Structures Policies and Regulations

The regulations apply to all in-stream structures located in the shoreline jurisdictions.

3.B.6.b. In-Stream Structures Policies

POLICY SH-79. New in-stream facilities should be discouraged except as needed to assist in the protection or preservation of ecological functions. (WAC 173-26-241(3)(g). Modified)

POLICY SH-80. Maintenance and repair of existing in-stream structures should be allowed only if the repair does not materially expand the capacity or the use of the structure.

POLICY SH-81. Encourage private properties for form effective organizations to perform required maintenance on privately owned in-stream structures.

3.B.6.c. In-Stream Structures Regulations (PROPOSED REGULATORY CONCEPTS)

- Develop standards to repair and maintain existing in-stream structures.
- Develop standards prohibiting new in-stream structures except when no feasible alternative exists and where necessary for environmental restoration, water quality management, protect and preserve ecological functions, and manage existing water bodies at historic levels.
- Require project proponents to obtain all state and federal permits and approvals for their project before commencing construction.
- Bio-engineered designs will preferred over traditional structures.
- All in-stream structures must meet WDFW's design guidelines for fish passage.
- In-stream structures may be permitted only in accordance with a design prepared by a qualified professional and where the applicant demonstrates measurable benefits, such as decreased erosion, peak flow reduction, improved water quality, stream stabilization or improved habitat from the proposal. The applicant shall obtain any required state or federal permits prior to undertaking development.

3.B.7. Recreational Development and Shoreline Access

Recreational development includes public and commercial facilities for recreational activities such as hiking, photography, viewing, and fishing, boating, swimming, bicycling, picnicking, and playing. It also includes facilities for active or more intensive uses, such as parks, campgrounds, golf courses, and other outdoor recreation areas. Recreational uses and development can be part of a larger mixed-use project. Primary activities such as boating facilities, resorts, subdivisions, and hotels are not addressed directly in this category.

3.B.7.a. Applicability of Recreational Development and Shoreline Access Policies and Regulations

This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual. Uses and activities associated with recreational developments that are identified as separate use activities in this SMP, such as “Boating Facilities,” “Piers and Docks,” “Residential Development,” and “Commercial Development,” are subject to the regulations established for those uses in addition to the standards for recreation established in this section.

Commercial indoor nonwater-oriented recreation facilities, such as bowling alleys and fitness clubs, are addressed as commercial uses.

3.B.7.b. Recreational Development and Shoreline Access Policies

POLICY SH-82. Prioritize and improve access to a variety of water-dependent and water-oriented recreational activities along the shoreline.

POLICY SH-83. Encourage non-residential shoreline uses to provide public access to their shoreline area.

POLICY SH-84. Work with other appropriate government agencies, jurisdictions, and non-profit organizations to expand recreational opportunities through acquisition programs, development, and maintenance of shoreline areas.

POLICY SH-85. Give preference to shoreline recreational development related to access to, enjoyment and use of the water, and shorelines of the state.

POLICY SH-86. Include both active and passive recreation areas, and facilities that are designed to encourage use of the shoreline by all members of the community.

POLICY SH-87. Recreation facilities shall be located, designed, and operated in a manner that protects the public health and safety, consistent with the purpose of the environment designation in which they are located.

POLICY SH-88. Encourage development of public street ends in the Shoreline for public access and recreation.

3.B.7.c. Recreational Development and Shoreline Access Regulations (PROPOSED REGULATORY CONCEPTS)

- Allow for the siting, construction, and maintenance for life guard facilities and other necessary safety features
- Separate swimming areas from public boat launches.
- Public street ends in shoreline jurisdiction may be developed for public recreational activities
- Develop standards encouraging development of public street ends in the shoreline jurisdiction for public access.

3.B.8. Residential Development

Residential development means one or more buildings, structures, lots, parcels or portions thereof which are designed for and used or intended to be used to provide a place of abode, including single-family residences, duplexes, other detached dwellings, floating homes, multi-family residences, mobile home parks, residential subdivisions, residential short subdivisions, and residential planned unit development, together with accessory uses and structures normally applicable to residential uses, including, but not limited to, garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas, and guest cottages. Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

Single family residences are a preferred use under the Shoreline Management Act when developed in a manner consistent with this Shoreline Master Program.

3.B.8.a. Applicability of Residential Development Policies and Regulations

These policies and regulations apply to residential uses and structures in the shoreline uses. For purposes of this section, accessory structures shall include garages, sheds, swimming pools, tennis courts, spas, greenhouses and similar facilities.

3.B.8.b. Residential Development Policies

POLICY SH-89. Single-family residential development is a preferred shoreline use, when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

POLICY SH-90. New primary residential structures should be prohibited in the setback from the shoreline; except where significant shoreline enhancement or restoration is proposed.

POLICY SH-91. Develop standards for both major and minor replacement, repair, and maintenance of existing structures and features.

POLICY SH-92. New or expanded residential development in the shoreline jurisdiction should be located and designed to minimize adverse effects on shoreline process and functions.

POLICY SH-93. Design of new residential development should protect, enhance, and restore shoreline ecological functions. Encourage use of low impact development stormwater management techniques, shoreline restoration, and other conservation measures.

POLICY SH-94. All residential development, including appurtenant structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements or armoring are not required to protect such structures and uses.

POLICY SH-95. New residential development and expansions to existing residential structures shall be designed and located to eliminate the need for shoreline armoring and stabilization.

POLICY SH-96. Over-water residences, including floating homes, are not a preferred use and should be prohibited.

POLICY SH-97. New multiunit residential development, including the subdivision of land for more than four parcels, should provide community and/or public access.

POLICY SH-98. Allow maintenance of legally-established landscaping consistent with the Shoreline Master Program, and encourage conversion of landscaping to native vegetation.

POLICY SH-99. Acknowledge and address distinctive patterns of historic shoreline conditions and characteristics and respond to these conditions and characteristics by developing appropriate development standards.

POLICY SH-100. Allow existing, legally-established primary residential structures that encroach into the setback from the ordinary high water mark to be redeveloped within the existing footprint, provided, the redevelopment complies with the Shoreline Master Program.

POLICY SH-101. Create incentives and provide flexibility to encourage development and redevelopment to incorporate native vegetation, shoreline restoration, low impact development techniques, or softened shoreline stabilization, or other restoration measures determined by the Director.

POLICY SH-102. When subdividing waterfront property into 5 or more lots, require the reallocation of density away from sensitive shoreline resources to more appropriate upland locations.

POLICY SH-103. Balance vegetation management, conservation, or restoration objectives, with residential shoreline uses, including recreation.

3.B.8.c. Residential Development Regulations (PROPOSED REGULATORY CONCEPTS)

- Develop standards for new single-family residential addressing siting, height, location, construction, repair, and maintenance (including legally-established landscaping).
- Develop standards that balance vegetation management, conservation, or restoration with the recreational use associated with residential shoreline.
- Develop standards to allow maintenance and repair of existing legally-established appurtenant structures.
- Develop standards prohibiting new appurtenant structures in the shoreline setback.
- Develop standards allowing limited intrusions into the setback, such as stairs, handrails, and trails providing access to the shoreline.
- Develop standards prohibiting the use of boats, houseboats, or watercraft as a permanent residence; except, for those proposed in the Marina Environment designation.
- Develop standards for new multifamily residential development addressing siting, height, location, construction, repair, maintenance, and public access (where applicable).
- Develop shoreline subdivision regulations that include requiring the clustering of density through subdivision of waterfront land into 5 or more lots. Provide incentives for property owners subdividing less than 5 lots with a flexible standard.
- Develop prescriptive criteria to allow modification of dimensional standards.

3.B.9. Transportation

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, airports, heliports, and other related facilities.

The various transport facilities that can impact the shoreline cut across all environmental designations and all specific use categories. The policies and regulations identified in this section pertain to any project, within any environment, that is effecting some change in present transportation facilities.

3.B.9.a. Applicability of Transportation Policies and Regulations

These policies and regulations apply to all transportation uses and activities in the shoreline jurisdiction.

3.B.9.b. Transportation Policies

POLICY SH-104. Parking areas, unless accessory, are prohibited in the shoreline jurisdiction. Residential parking is considered accessory to the residential use.

POLICY SH-105. Transportation facilities shall use existing transportation corridors whenever feasible. If expansion of the existing corridor results in a net loss to shoreline ecological function, then a less disruptive alternative shall be used.

POLICY SH-106. When permitted within shoreline areas, transportation facilities must be placed and designed to minimize negative aesthetic impacts on shoreline areas and to avoid and minimize impacts to existing land uses, public shoreline views, public access, and the natural environment.

POLICY SH-107. Encourage public transportation to access public recreational areas on the shorelines.

POLICY SH-108. Encourage the design, where feasible, of transportation and circulation facilities in the shoreline to protect and complement shoreline aesthetics and provide view corridors.

POLICY SH-109. Provide safe, reasonable, and adequate pedestrian, bicycle, and public transportation to support existing and planned shoreline uses that are consistent with the Shoreline Master Program.

POLICY SH-110. Encourage public transportation systems to avoid locations that would impact known functional habitat corridors. Discourage locating public transportation systems in sensitive habitat.

POLICY SH-111. Where other options are available and feasible, new roads or road expansions should not be built within shoreline jurisdiction. (WAC 173-26-241(3)(k) Modified)

3.B.9.c. Transportation Regulations (PROPOSED REGULATORY CONCEPTS)

- Road construction in the shoreline area shall provide water-quality treatment in areas where there is a direct discharge to waters of the state, with a preference to use Low Impact Development techniques.
- Develop standards for technical feasibility related to locating transportation facilities in the shoreline jurisdiction.
- Develop standards related to the aesthetic impacts of transportation projects.
- Develop standards to site and design roads in the shoreline jurisdiction

- Prohibit construction of new railroad corridors and permit repair and construction of existing facilities.
- Develop standards for pedestrian and bicycle facilities.
- Develop standards for the construction, maintenance, and repair of existing transportation facilities.
- Prohibit parking, except parking accessory to an allowed use in the shoreline jurisdiction.
- Develop standards for the expansion of existing transportation facilities.
- Develop standards for water-dependant transportation alternatives (passenger-only ferries/water taxi).
- Develop standards for air transportation alternatives (helipads and float planes).

3.B.10. Utilities

Utilities are “*services and facilities that produce, convey, store, or process power, gas, sewage, communications, oil, waste, and the like.*”. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, and gas distribution lines and storage facilities.

Solid waste disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste on any land area or in the water.

Solid waste includes solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities. Solid waste does not include sewage, dredge material, agricultural wastes, auto-wrecking yards with salvage and reuse activities, or wastes not specifically listed above.

3.B.10.a. Applicability of Utilities Policies and Regulations

This section applies to those utility features located within the shoreline jurisdiction.

3.B.10.b. Utilities Policies

POLICY SH-112. New or expanded non-water oriented utility and transmission facilities shall not be allowed within the shoreline area unless no technically feasible alternative exists. Priority shall be given to protecting the aquatic resources over the adjacent upland.

POLICY SH-113. When allowed, new or expanded utilities shall be located in existing rights-of-ways unless not technically possible.

POLICY SH-114. Encourage the consolidation of utilities within existing rights-of-way or corridors.

POLICY SH-115. All utility facilities shall be designed and located to preserve the natural landscape and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth.

3.B.10.c. Utilities Regulations (PROPOSED REGULATORY CONCEPTS)

- Taylor standards to match sensitivity of various shoreline environments.
- Develop standards for public and private utilities connections.
- Develop standards for location of public and private utility lines, corridors, and structures.
- Require compatible utilities to be consolidated within a single right-of-way.
- Require site restoration and monitoring and follow up to ensure restoration is successful.
- Develop repair and maintenance standards.

WORKING

CHAPTER 4 – GENERAL PROVISIONS

4.A. Introduction

The general policies and regulations outlined in this chapter are applicable to all uses and activities (regardless of shoreline environment designation) that may occur along the City's shorelines. The chapter is broken up into eleven different topic headings. Each topic begins with a discussion of background on SMP issues and considerations, followed by general policy statements and regulations. The intent of these provisions is to be inclusive, making them applicable over a wide range of environments as well as particular uses and activities.

4.B.1. General SMP Policies

4.B.1.a. Applicability of General SMP Policies

The following policies apply to all shoreline uses and modifications in all areas of shoreline jurisdiction.

4.B.1.b. General SMP Policies

POLICY SH-116. Allow for a diversity of appropriate uses in the shoreline area consistent with the varied character of the shorelines in the city.

POLICY SH-117. Preserve and enhance the natural character and aesthetic quality of the shoreline while allowing for appropriate development to meet the needs of the City and its residents.

POLICY SH-118. Implement the goals of the Shoreline Management Act and prioritize water-oriented uses over non-water oriented shoreline uses.

POLICY SH-119. Provide a comprehensive shoreline environment designation system and identify appropriate uses within each environment designation area.

POLICY SH-120. Limit the density and intensity of shoreline uses and activities through planning, zoning, capital improvements, and other policy and regulatory standards.

POLICY SH-121. Encourage the use of low impact development techniques and green building practices that provide benefits to shoreline functions.

POLICY SH-122. The SMP shall not unconstitutionally infringe on private property rights.

POLICY SH-123. Ensure that the objective of no net loss of ecological function is met through administration of regulations appropriate to uses and activities located in the City's shoreline jurisdiction.

4.B.2. Archaeological and Historic Resources

4.B.2.a. Applicability of Archaeological and Historic Resources Policies and Regulations

The following provisions apply to archaeological and historic resources that have been recorded at the State Historic Preservation Office, identified by local jurisdictions or inadvertently uncovered during development activity. Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian graves and records) and Chapter 27.53 RCW (Archaeological sites and records), and shall comply with Chapter 25-48 WAC.

4.B.2.b. Archaeological and Historic Resources Policies

POLICY SH-124. Protect and restore shoreline areas which have historical, cultural, archeological, ecological, educational, or scientific value.

POLICY SH-125. Foster a greater appreciation for shoreline management, environmental conservation, natural history, cultural heritage and shoreline history using signage and other interpretive tools as appropriate.

POLICY SH-126. Ensure that any development proposed adjacent to an historic property is designed and operated to be compatible with continued protection of the historic, cultural, or archeological site.

POLICY SH-127. Protect any newly discovered or suspected significant sites with architectural or historic significance until their value for retention has been determined.

POLICY SH-128. Work with affected tribes and applicable agencies to protect cultural resources of significance, as mandated in Chapter 27.53 RCW.

POLICY SH-129. Include provisions for historical or archeological resources in municipal planning efforts.

4.B.2.c. Archaeological and Historic Resources Regulations (PROPOSED REGULATIONS)

1. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City if any archaeological resources are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all archaeological data of potential value are properly salvaged and/ or mapped.

2. Permits issued in areas known to contain archaeological artifacts and data shall include a requirement that the developer provide for a site inspection and evaluation by an archaeologist. The permit shall require approval by the City before work can begin on a project following inspection. Significant archaeological data or artifacts shall be recovered before work begins or resumes on a project.

3. Significant archaeological and historic resources shall be permanently preserved for scientific study, education, and public observation. When the City determines that a site has significant archaeological, natural, scientific or historical value, a Substantial Development Permit shall not be issued that would pose a threat to the site. The City may require that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
4. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of this SMP. The City shall notify the State Department of Ecology, the State Attorney General's Office, and the State Historic Preservation Office of such a waiver in a timely manner.
5. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Records) and shall comply with Title 25-48 WAC and the provisions of this SMP.
6. Archaeological excavations may be permitted subject to the provisions of this SMP.
7. Access to historical or archaeological resources shall be designed and managed to give maximum protection to the resource and surrounding environment.

4.B.3. Areas of Special Flood Hazard

The City of Bellevue participates in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program. This federal program provides low-cost flood insurance to participating communities. Insurance coverage requires participating communities to meet FEMA's minimum criteria for managing floodplains. Participating communities receive additional discounts for additional floodplain measures. The policies detailed below meet federal requirements. Regulations that pertain to flood area management and implement flood area policy can be found in the section 4.B.4, Critical Areas, below.

4.B.3.a. Applicability of Areas of Special Flood Hazard Policies

The following provisions apply to actions taken to reduce flood damage or hazard to uses, development, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures may consist of nonstructural measures such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and storm water management programs, or structural measures such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program requirements.

4.B.3.b. Areas of Special Flood Hazard Policies

POLICY SH-130. Preserve and maintain 100-year floodplains in a natural and undeveloped state, and restore conditions that have become degraded.

POLICY SH-131. New structures and uses that would displace floodwaters, should not be allowed within the floodplain. Protect floodplains by restricting the subdivision of land that locates buildable area within the floodplain.

POLICY SH-132. Non structural flood hazard reduction measures should be given preference to structural flood hazard reduction, and any measure must be consistent with FEMA regulations in 40 C.F.R. Part 60. When necessary, structural flood hazard reduction measures should be accomplished in a manner that assures no net loss of ecological functions and ecosystem-wide processes. Non-structural measures include setbacks, land use controls prohibiting or limiting development in areas that are historically flooded, stormwater management plans, or bioengineered measures.

POLICY SH-133. Over time, encourage the removal structures associated with existing development and artificial restrictions from identified floodplains.

POLICY SH-134. Reintroduce, as opportunities become available, the natural channel characteristics of Kelsey Creek and the Mercer Slough, including the removal of barriers to connect streams and wetlands, changes to in-stream channel cross-sections, re-vegetation of stream banks, and placement of woody debris.

4.B.4. Critical Areas in Shoreline Jurisdiction

4.B.4.a. Applicability of Critical Areas Policies and Regulations

For the purposes of this SMP and shoreline jurisdiction, critical areas in shoreline jurisdiction are regulated by the City's shoreline critical areas regulations. The provisions of these regulations do not extend beyond the shoreline jurisdiction set forth in this SMP and the SMA. Critical areas outside the shoreline jurisdiction are regulated pursuant to Chapter 20.25H LUC.

4.B.4.b. Critical Areas Policies

POLICY SH-135. Use the best scientific information available in an adaptive management approach to preserve or enhance the functions and values of shoreline critical areas through regulations, programs, and incentives.

POLICY SH-136. Use prescriptive development regulations based on the type of shoreline critical area and the functions to be protected to provide a predictable permitting option. Provide flexibility to the prescriptive regulations by allowing for site-specific or programmatic shoreline critical areas study to provide a science-based approach to development and mitigation that will achieve an equal or better result than the prescriptive development regulation for the shoreline critical area functions.

POLICY SH-137. Implement monitoring and adaptive management plans for shoreline critical areas mitigation projects to ensure that the intended functions are maintained or enhanced over time.

POLICY SH-138. Manage aquatic habitats, including shoreline and riparian (streamside) habitats, to preserve and enhance their natural functions of providing fish and wildlife habitat.

POLICY SH-139. Give special consideration to conservation or protection measures necessary to preserve or enhance anadromous salmonids, recognizing that requirements will vary depending on the aquatic resources involved, including differing stream classifications, and that additional effort may be identified in the regional salmon recovery planning process.

POLICY SH-140. Manage fish and wildlife habitat conservation areas to protect overall habitat functions and values (food, water, cover, space), except where a "special status species" requires targeted habitat management.

4.B.4.c. Critical Areas Regulations (PROPOSED REGULATORY CONCEPTS)

Shoreline critical areas regulations will be brought in from chapter 20.25H LUC (wetlands, streams and riparian areas, areas of special flood hazard, habitat for species of local importance, and shorelines).

- Incorporate relevant content from chapter 20.25H LUC addressing: wetlands, streams/riparian areas, geologic hazard areas (steep slopes), shorelines (modified to balance the objectives of the Shoreline Management Act), areas of special flood hazard, and habitat for species of local importance.
- Develop prescriptive, programmatic development standards and a mechanism to provide deviation from certain standards provided the deviation meets the objective of this SMP and the Shoreline Management Act, and demonstrates net improvement of ecological function.
- Develop exceptions to the applicability of the Critical Areas Regulations in shoreline jurisdiction (NOTE: Proposed exceptions are provided below):

1. Conflict of Provisions. The purpose of these regulations is to provide regulatory continuity between critical areas that traverse the upland and the shoreline. Consequently, if there is a conflict between these regulations and those in Chapter 20.25H LUC, the provisions most protective of the ecological resource shall apply, as determined by the City.

2. Inconsistent Provisions. Provisions of the critical areas regulations (Chapter 20.25H LUC) that are inconsistent with the Shoreline Management Act, Chapter 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction, as follows:

- a. The provisions of the critical areas regulations (Chapter 20.25H LUC) do not extend shoreline jurisdiction beyond the limits specified in this SMP. For

regulations addressing critical area buffer areas that are outside shoreline jurisdiction, see the City's critical areas regulations (Chapter 20.25H LUC).

b. Provisions of the critical areas regulations (Chapter 20.25H LUC) that include a "reasonable use determination" shall not apply within shoreline jurisdiction.

c. Provisions of the critical areas regulations (Chapter 20.25H LUC) relating to variance procedures and criteria do not apply in shoreline jurisdiction. Within shoreline jurisdiction, the purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in the SMP where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. The shoreline critical areas regulations will provide a process similar to the critical areas report to provide flexibility for sites where the expected shoreline functions are not present due to degraded conditions or other unique site characteristics, or for proposals providing unique design or protection of shoreline functions not anticipated by this SMP.

4.B.5. Parking (Accessory)

4.B.5.a. Applicability of Accessory Parking Policies and Regulations

Parking is the temporary storage of automobiles or other motorized vehicles. Except as noted, the following provisions apply only to parking that is "accessory" to a permitted shoreline use. This section does not apply to parking accessory to a single-family residential use.

4.B.5.b. Accessory Parking Policies

POLICY SH-141. Parking that supports a single family residential use is allowed in shoreline jurisdiction when in compliance with the components of this SMP. New single family residential parking is prohibited in shoreline setbacks, critical areas, and critical areas buffers. Existing parking that is located in shoreline setbacks, critical areas, and critical areas buffers should be removed or relocated.

POLICY SH-142. Parking should be planned to achieve optimum use. Where possible, parking and parking access areas should serve more than one use.

POLICY SH-143. Parking, when allowed, should be the minimum necessary to support the primary use it serves and should accurately reflect demand.

POLICY SH-144. Parking developed in support of marina facilities shall be designed to support average daily use and must be managed through a parking management plan designed to accommodate peak use periods.

POLICY SH-145. Where feasible, parking for allowed shoreline uses (other than single-family residential) should be provided in areas outside of shoreline jurisdiction. Where

property is contained completely within shoreline jurisdiction, parking shall be allowed. New accessory parking is prohibited in shoreline setbacks, critical areas, and critical areas buffers. When necessary, parking located within shoreline jurisdiction should result in no net loss of ecological function and visual impacts should be minimized to the maximum extent feasible.

POLICY SH-146. Design of parking facilities to incorporate low-impact materials, such as permeable/porous pavements, is encouraged.

POLICY SH-147. Maintenance and repair of existing parking is allowed when improvements are made to reduce generation and conveyance of pollution.

POLICY SH-148. Existing parking areas may only be expanded within the shoreline setback when the expansion leads to a net improvement in ecological function.

POLICY SH-149. Existing non-hardened parking areas may be resurfaced if the improvement does not expand the previously established capacity or function, stormwater improvements are made, and the improvement does not lead to a net loss of ecological function.

POLICY SH-150. Parking standards should include allowances for short term loading and unloading areas associated with a marina use.

POLICY SH-151. Parking as a "primary" use and parking which serves a use not permitted in the shoreline jurisdiction is prohibited.

POLICY SH-152. Prohibit parking waterward of the ordinary high water mark.

POLICY SH-153. Promote the integration of structured parking into multi-use developments if parking structures are designed with green walls, other integrated landscape design, or located underground. Discourage obtrusive and unsightly freestanding parking garages.

4.B.5.c. Accessory Parking Regulations (PROPOSED REGULATIONS)

1. Parking areas shall be permitted only when accessory to a permitted shoreline use.
2. New parking facilities within shoreline jurisdiction shall not be permitted over water or within the shoreline setback. Provisions must be made to control and cleanse surface water runoff from parking areas in order to comply with state water quality standards.
3. Parking facilities shall be set back a sufficient distance from the ordinary high water mark so as not to require the creation or protection of such parking facilities by shoreline protective measures.
5. Parking facilities for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.

6. Parking facilities shall provide adequate facilities to prevent surface water runoff from contaminating water bodies, as per the most recent edition of the City of Bellevue applicable surface water design manual.

7. Provisions must be made to control and cleanse surface water runoff from the parking areas in order to comply with state water quality standards.

4.B.6. Public Access

Shoreline public access is the physical ability of the general public to reach and touch the water's edge and the ability to have a view of the water and the shoreline from upland locations. Public access facilities may include picnic areas, pathways and trails, floats and docks, promenades, viewing towers, bridges, boat launches, and improved street ends.

4.B.6.a. Applicability of Public Access Policies and Regulations

These public access provisions apply to all areas of shoreline jurisdiction unless stated otherwise.

4.B.6.b. Public Access Policies

POLICY SH-154. Give priority to uses and activities which provide public access to a shoreline location.

POLICY SH-155. Protect, preserve and enhance the public's opportunity to enjoy the physical and aesthetic qualities, including views, of the shoreline and water.

POLICY SH-156. To the extent feasible, new shoreline uses and new developments should be designed and maintained to minimize obstructions of the public's visual access to the water and shoreline from land in public ownership, including parking,

POLICY SH-157. Evaluate the needs and opportunities for additional public access in public-owned shoreline areas. Public entities shall incorporate public access measures as part of each development project, unless access is incompatible with safety, security, or environmental protection. Encourage implementation of recommendations outlined in the Waterfront Access Focus Area of the Parks and Open Space System Plan – 2010 (or as hereafter amended).

POLICY SH-158. Provide standards for the dedication and improvement of public access in developments for water-enjoyment, water-related, and nonwater-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access should be required except:

- (A) Where the local government provides more effective public access through a public access planning process described in WAC 173-26-221 (4)(c).
- (B) Where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other legal limitations that may be applicable.

In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, local governments shall consider alternate methods of providing public access, such as offsite improvements, viewing platforms, separation of uses through site planning and design, and restricted hours of public access.

POLICY SH-159. Encourage acquisition and development of public access to the shorelines, excluding individual single family lots.

POLICY SH-160. Provide additional public access to Lakes Washington and Sammamish.

POLICY SH-161. Improve the existing public access facilities owned by the city.

POLICY SH-162. Provisions of public access should be consistent with public safety, private property rights, and protection of environmentally sensitive areas.

POLICY SH-163. Emphasize public access with foot, bicycle, and ADA paths to and along the water's edge, as long as public access does not result in a net loss of ecological function or a taking of private property rights.

POLICY SH-164. Develop, enhance, and maintain right-of-ways and street ends on the shorelines for public access.

POLICY SH-165. Recognize and support the broad benefits and educational value of appropriate low-impact public access to the shoreline.

POLICY SH-166. Protect and enhance both physical and visual public access and provide public access on public lands. Increase the amount and diversity of public access to the City's shorelines consistent with the natural shoreline character, property rights, public rights under the Public Trust Doctrine, and public safety.

4.B.6.c. Public Access Regulations (PROPOSED REGULATORY CONCEPTS)

- Develop requirements for public access improvements for new marina developments, new commercial developments, and new residential developments of 5 units or more.
- Establish thresholds for public access requirements for marina and commercial use redevelopment or expansion.
- Develop standards for public or private development for those sites where public shoreline view access is currently available. This does not apply to existing single family development.
- Develop a process and standards to promote new street end and other small public park water access locations.
- Develop standards for alternative public access opportunities, such as view platforms.

4.B.7. Signs

A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be used to attract attention to the subject matter for

advertising, identification or informative purposes. The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment, conducted or sold either on or off premises.

4.B.7.a. Applicability of Sign Policies and Regulations

This section applies to all private and public signs located in the shoreline jurisdiction. When not addressed in this section, signs are governed by Chapter 22B.10 BCC. Where conflict between Chapter 22B.10 BCC and this part exists, that section providing the most protection applies.

4.B.7.b. Sign Policies

POLICY SH-167. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.

POLICY SH-168. Signs should not block or otherwise interfere with visual access to the water or shorelands.

POLICY SH-169. To protect the public health, safety, and welfare, require signs to identify the address of waterfront shoreline properties to assist emergency responders.

POLICY SH-170. Prohibit overwater signs unless associated with a water dependent use such as marina fuel sales, parks swimming areas, interpretive signs, or navigational aids/controls.

4.B.7.c. Sign Regulations (PROPOSED REGULATORY CONCEPTS)

Regulatory Concepts:

- Require design review for new signs accept residential address locator signs.
- Regulate illumination for all signs consistent with state and federal navigation requirements.
- Incorporate appropriate provisions from Chapter 22B.10 BCC into rules applicable to signs in shoreline jurisdiction.
- When allowed, prevent aesthetic impact from new signs located in the shoreline jurisdiction.
- Restrict water oriented signage to that necessary to support water dependent uses.

4.B.8. Utilities (Accessory)

Accessory utilities are private on-site utility features serving a primary use, such as a water, sewer or gas line connecting to a residential or commercial use and are generally located underground. Accessory utilities are considered ancillary to the primary use. They are addressed in this section because they concern all types of development and have the potential to impact the quality of the shoreline and its waters.

4.B.8.a. Applicability of Accessory Utilities Policies and Regulations

This section applies to all accessory utility features located wholly or partially in the shoreline jurisdiction.

4.B.8.b. Accessory Utilities Policies

POLICY SH-171. Accessory utilities should be properly installed so as to protect the shoreline and water from contamination and degradation, and to ensure no net loss of ecological functions.

POLICY SH-172. Accessory utilities and easements should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground and in the right-of-way when feasible.

POLICY SH-173. Accessory utilities should be designed and located in a manner which preserves the natural landscape, shoreline ecological processes and functions, and minimizes conflicts with present and planned land uses.

4.B.8.c. Accessory Utilities Regulations (PROPOSED REGULATORY CONCEPTS)

- Develop standards to guide the placement, routing, or siting of accessory utilities to areas of least environmental sensitivity. Prefer siting in developed and already impacted areas over undeveloped sensitive locations.
- When impacts cannot be avoided, establish clear prescriptive standards for restoration and/or mitigation.
- Ensure accessory utilities are designed to minimize environmental impact.
- Accessory utilities should be the minimum necessary to achieve operational or delivery goals.
- Develop standards to address aesthetic impacts from new or modified accessory utilities.
- Develop standards to address system maintenance and repair.
- Require restoration for areas of temporary and permanent disturbance. Use CAO requirements.

4.B.9. Vegetation Conservation

The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation should also be undertaken to protect human safety and property, to increase the stability of shoreline areas susceptible to erosion, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.

4.B.9.a. Applicability of Vegetation Conservation Policies and Regulations

This section regulates the modification, protection, and restoration of vegetation for all uses, development, or activities in the shoreline jurisdiction unless otherwise stated.

4.B.9.b. Vegetation Conservation Policies

POLICY SH-174. Protect, conserve, enhance and establish native vegetation and trees within the shoreline setback and in critical areas and critical area buffers within shoreline jurisdiction to support shoreline functions and processes such as food webs, sediment transport, terrestrial and aquatic habitat, water quality, and hydrology.

POLICY SH-175. Support the private recreational use of shoreline setback areas as accessory uses to single family development when balanced with the objective of vegetation conservation.

POLICY SH-176. Allow for the removal and management of hazard trees. Require mitigation for hazard trees that are removed within the shoreline setback and in critical areas and critical area buffers.

POLICY SH-177. New development or substantial renovation to existing structures should include proportional restoration of native vegetation within the shoreline setback.

POLICY SH-178. New shoreline uses and development should be planned and designed to retain or replace native vegetation and trees within the shoreline setback and in critical areas and critical area buffers with the overall objective of achieving no net loss of the ecological function.

POLICY SH-179. Promote the pruning of trees as a preference to topping or removal.

POLICY SH-180. Encourage vegetation conservation and restoration to provide bank and slope stabilization and to reduce the need for hard, structural shoreline stabilization measures.

POLICY SH-181. Provide incentives to private property owners to achieve specific habitat improvement goals, including retention and enhancement of native vegetation along the shoreline.

POLICY SH-182. Expand outreach to shoreline property owners regarding shoreline landscape design, maintenance, and armoring alternatives.

POLICY SH-183. Consider and encourage aesthetic values when reviewing development of the shoreline and encourage vegetation conservation policies that improve the visual and aesthetic qualities of the shoreline.

POLICY SH-184. Encourage vegetation conservation policies that protect human safety and property, especially in flood hazard areas.

4.B.9.c. Vegetation Conservation Regulations (PROPOSED REGULATORY CONCEPTS)

- Develop vegetation conservation standards that address landscape maintenance and replacement.
- Develop standards for the preservation of trees and vegetation in shoreline setbacks and critical areas and critical area buffers.
- Incorporate tree preservation standards from LUC 20.20.900 for trees and vegetation not located in the shoreline setback, critical areas, or critical areas buffer.
- Incorporate landscape design standards for marinas, parks, and commercial development from LUC 20.20.520.
- Integrate tree pruning and management guidelines into tree preservation performance standards.
- Develop standards addressing the control of aquatic and terrestrial noxious weeds. Prioritize manual and mechanical removal over chemical treatment.
- Develop standards that address the creation of new lots that are within the shoreline jurisdiction requiring applicants to demonstrate that the development can be accomplished without significant vegetation removal within the required shoreline setback, critical areas, or critical areas buffers.
- Establish development thresholds for landscape improvement requirements in the shoreline setback.
- Develop options and alternatives to achieve the objective of vegetation conservation consistent with the concept of no net loss of ecological function.

4.B.10. Water Quality, Storm Water, and Non-Point Pollution

As used in the SMP, “water quality” means the physical characteristics of water within shoreline jurisdiction, including water quantity and hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in the SMP, the term “water quantity” refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this SMP, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

4.B.10.a. Applicability of Water quality Policies and Regulations

This section applies to all development, redevelopment, and uses in shoreline jurisdiction that affect water quality.

4.B.10.b. Water Quality Policies

POLICY EN-185. Control point and non-point pollution sources within the shoreline jurisdiction to protect water quality and ensure no net loss of shoreline ecological function.

POLICY SH-186. Encourage the removal of on-site sewage systems and connection to the city's sewer system.

POLICY SH-187. Coordinate with the City of Bellevue Utilities Department to provide outreach to shoreline property owners about appropriate source control best management practices specific to shoreline properties to reduce the discharge of pollutants and improve water quality.

POLICY SH-188. Implement city programs to reduce the discharge of pollutants to minimize negative impacts to water quality to support swimming and other water-dependent recreational uses, as well as prevent impacts to the aesthetic qualities of the shoreline.

POLICY SH-189. Encourage the formation of lake management districts to promote long-term water quality and habitat improvements.

POLICY SH-190. Support on-going regional watershed planning efforts.

POLICY SH-191. New development and re-development within the shoreline jurisdictions is encouraged to minimize impervious surfaces and incorporate low impact development stormwater management techniques and maintenance practices to minimize surface water runoff and prevent water quality degradation.

4.B.10.c. Water Quality Regulations (PROPOSED REGULATORY CONCEPTS)

- Require implementation of the City's Stormwater Code, Chapter 24.06 BCC, the Utilities' Department Surface Water Engineering Standards, the Clearing and Grading Code, Chapter 23.76 BCC, and the Clearing and Grading Development standards for development in the shoreline.
- Develop standards and create incentives to minimize impervious surfaces, retain native vegetation, and implement Low Impact Development Techniques for development or redevelopment within shoreline jurisdiction where feasible.
- Develop standards that require water quality treatment for new or modified direct discharge sites when technically feasible.
- Develop standards for new or modified stormwater discharge outfalls to include energy dissipation components in an effort to limit erosion.
- Design BMPs to limit or manage the use of products and practices known to deteriorate water quality, including use of the City's Environmental Best Management Practices.
- Discourage the use of pesticides, herbicides or fertilizers within the shoreline jurisdiction, including applications of herbicides to control noxious aquatic vegetation. When necessary, application shall comply with the regulations of responsible federal and state agencies.
- Require submittal of the applicant's National Pollutant Discharge Elimination System (NPDES) permit, issued from the Washington State Department of Ecology, authorizing aquatic pesticide (including herbicides) to the City's shoreline resources must be submitted prior to application activity.

CHAPTER 5 – SHORELINE MODIFICATION PROVISIONS

5.A. Introduction and Applicability

Shoreline modifications are structures or actions taken in shoreline jurisdiction that permanently change the physical configuration of the shoreline, particularly at the point where land and water meet. Shoreline modification activities include, but are not limited to, installation of structures such as shoreline armoring, bulkheads, levees, breakwaters, docks, and floats. Actions such as clearing, grading, filling, and dredging are also considered shoreline modifications.

Generally, shoreline modification activities are undertaken for the following reasons:

1. To prepare a site for a shoreline use;
2. To provide shoreline stabilization or shoreline protection; or
3. To support an upland use.

The policies and regulations in this chapter are intended to prevent or mitigate the anticipated adverse environmental impacts of proposed shoreline modifications. General provisions, which apply to all shoreline modification activities, are followed by provisions tailored to specific shoreline modification activities. If a shoreline development entails more than one shoreline modification, then the regulations pertaining to each type of modification apply. Although a shoreline modification may not require a shoreline substantial development permit, it must still conform to the policies and regulations in this SMP. In addition, the SMA requires that a property owner contemplating a shoreline modification contact the City and apply for a “letter of exemption.” No shoreline modification shall be undertaken without either a shoreline permit or a letter of exemption. Other permits or approvals may be required, such as environmental review, clearing and grading or building permits.

5.B.1. General Shoreline Modification Policies and Regulations

Shoreline modifications are generally related to construction of a physical element such as shoreline stabilization measures, docks and piers, or breakwaters. Modifications also include the action of manipulating shoreline features. Actions include dredging and fill, vegetation modification, and land modification associated with structure assembly. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use such as a new dock or shoreline stabilization measure built in support of a single family residential use.

5.B.1.a. *Applicability of General Shoreline Modification Policies and Regulations*

The provisions in this section apply to all physical modifications of shoreline features within City’s shoreline jurisdiction.

5.B.1.b. General Shoreline Modification Policies

POLICY SH –192. Assure that shoreline modifications, individually and cumulatively, do not result in a net loss of ecological functions.

POLICY SH –193. Shoreline modification actions should first avoid, and when avoidance is not technically feasible, minimize ecological impacts.

POLICY SH –194. Only allow shoreline modifications when in support of an allowed use or activity.

5.B.1.c. General Shoreline Modification Regulations (PROPOSED REGULATORY CONCEPTS)

- Develop standards which limit shoreline modification only when supporting an allowed use.
- New development or redevelopment shall be located and designed to avoid the need for new or future shoreline modification to the extent feasible. Provide flexibility in site design to eliminate or reduce the need for shoreline modification.
- Require project proponents to obtain and comply with all state and federally required permits and approvals.
- Require restoration of temporary disturbances associated with shoreline modification to pre-disturbance condition or better.
- Encourage the use of environmentally sustainable and non-toxic materials, and prohibit the use of specific treated wood products or invasive plants.

5.B.2. Shoreline Stabilization (including Bulkheads)

Shoreline stabilization includes measures taken to address erosion caused by shoreline processes and actions. These measures may be structural or nonstructural. Structural methods include “hard” and “soft” structural stabilization measures. Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. Nonstructural methods include appropriate building setbacks, structure relocation to avoid the need for protection, managing erosion and ground water, and general measures that can be taken to avoid the need for structural stabilization.

Hard Structural Shoreline Stabilization means erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear and nearly vertical structures and include, but are not limited to, bulkheads, rip-rap, groins, and similar structures.

Soft Structural Shoreline Stabilization means erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Soft shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide stability in a non-linear,

sloping arrangement. Non-structural and “soft” structural stabilization measures can be cost-effective and practicable solutions.

5.B.2.a. Applicability of Shoreline Stabilization Policies and Procedures

The provisions in this section apply to shoreline stabilization measures taken at or landward of the Ordinary High Water mark, and within the shoreline setback or floodplain whose purpose is to protect primary structures against erosion associated with shoreline processes.

5.B.2.b. Shoreline Stabilization Policies

POLICY SH-195. Allow for new hardened stabilization as the least favored alternative and only when no technically feasible alternative to avoidance and softened stabilization exists.

POLICY SH –196. Locate and design new development and provide flexibility in site design to eliminate the need for new shoreline stabilization.

POLICY SH-197. Promote through incentives the use of soft shoreline stabilization measures or other measures that incorporate innovative habitat restoration techniques.

POLICY SH-198. Existing legally established shoreline stabilization measures requiring replacement are presumed needed to protect existing shoreline uses and may be replaced provided that, at a minimum, non-vertical structural shoreline stabilization is used; however, soft structural shoreline stabilization is preferred.

POLICY SH-199. When a vertical or near-vertical bulkhead no longer adequately serves its purpose, the bulkhead may be replaced; provided that replacement with a new vertical bulkhead is prohibited unless replacement with a non-vertical structure is technically infeasible.

POLICY SH-200. Existing vertical and near-vertical bulkheads supporting the artificial canals in the Shoreline Residential Canal environment may be repaired or replaced in their current configuration and design.

POLICY SH-201. Allow maintenance and repair of shoreline stabilization structures; provided that no expansion of the structure is allowed. Repair shall not include full replacement of a shoreline stabilization structure that can no longer adequately serve its purpose.

POLICY SH–202. Design, locate, size and construct new or replacement shoreline stabilization structures to avoid, and if avoidance is not possible, minimize and mitigate adverse impacts.

POLICY SH-203. Recognize the unique physical conditions of Phantom Lake and discourage shoreline stabilization measures.

5.B.2.c. Shoreline Stabilization Regulations (PROPOSED REGULATORY CONCEPTS)

- Incorporate and modify existing LUC standards in 20.25E for new shoreline stabilization. Develop standards addressing the siting, dimensional, and material requirements for new shoreline stabilization structures. Create a hierarchy to guide installation of new shoreline stabilization measures, allowing for hardened stabilization as the least favored alternative and only when no technically feasible alternative to avoidance and softened stabilization exists, as prioritized below:
 - i. Prefer avoidance;
 - ii. When avoidance is not possible due to conclusive evidence of physical constraint, soft shoreline stabilization measures may be implemented; and
 - iii. When soft stabilization is not technically feasible, a non-vertical hardened solution is permitted.
 - iv. New hardened vertical stabilization may only be permitted to protect water dependent uses and existing primary structures requiring structural support where non-vertical structures are found to be insufficient.
- Modify existing LUC standards in 20.25E to clarify that a total replacement of an existing stabilization measure is not required to demonstrate the need for some level of stabilization.
- Develop standards to locate development to eliminate or reduce the need for shoreline stabilization measures.
- Develop general design standards for shoreline stabilization measures.
- Develop standards addressing the repair and replacement of shoreline stabilization measures. These measures include relocation, softening, or non-vertical structures. When legally-established stabilization exists, it is presumed that stabilization is necessary for protection of shoreline uses.
- Develop standards for Phantom Lake considering the lake's shoreline condition, including wetlands, floodplains, vegetation, that consider the physical conditions unique to this lake.
- Develop standards for the Shoreline Residential Canal environment allowing for the replacement of existing structural bulkheads in their current configuration and design.
- Develop incentives for softer shoreline stabilization and the use of innovative restoration techniques.
- Develop standard memorializing the OHWM when a hard shoreline stabilization measure is replaced with a soft shoreline stabilization measure.
- Develop definition for vertical stabilization.

5.B.3. Fill

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

5.B.3.a. Applicability of Fill Policies and Regulations

This section applies to all filling activity within the Shoreline Jurisdiction.

5.B.3.b. Fill Policies

POLICY SH-204. Filling waterward of the ordinary high water mark shall be allowed only when necessary to support water-dependent uses, public access, cleanup and disposal of contaminated sediment.

POLICY SH- 205. Fill shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes.

POLICY SH-206. When allowed, fill should not adversely impact water quality, habitat, hydrology, or drainage patterns.

5.B.3.c. Fill Regulations (PROPOSED REGULATORY CONCEPTS)

- Filling waterward of the ordinary high water mark for any use except ecological restoration should require a conditional use permit.
- Prohibit fill, except as follows: to improve water quality, replenish sand, establish interpretive or scientific centers, support approved shoreline stabilization or avoidance measures, support or establish water dependent uses, and support other uses and activities for which there is a demonstrated public need as identified in policy documents of the City, and where no feasible technical alternative exists. For both the upland and aquatic areas, develop regulations governing the placement, type, and quantity of fill allowed in the shoreline jurisdiction, and require with clearing and grading requirements Chapter 23.76 BCC.
- Regulate fills in the shoreline jurisdiction to prevent significant adverse flow alterations in the floodplain.
- Develop required mitigation actions to address impacts related to filling activities.
- Require project proponents to obtain and submit all required state and federal permits prior to the commencement filling activity.

5.B.4. Breakwaters, Jetties, and Groins

Breakwaters are protective structures usually built offshore to protect harbor areas, moorage, navigation, beaches, and bluffs from wave action. Breakwaters may be fixed (e.g., rubble mound or ridge wall), open-pile or floating.

Jetties are structures generally built singly or in pairs perpendicular to the shore at harbor entrances or river mouths to prevent the shoaling or accretion of littoral sand drift. Jetties also protect channels and inlets from storm waves and cross-currents.

Groins are structures built waterward perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand drift. Generally narrow and of varying lengths, groins may be built in a series along the shore. Jetties are built to prevent accretion in channels and/or inlets while groins preserve and promote accretion to occur along stretches of shoreline.

5.B.4.a. Applicability of Breakwater, Jetty, and Groin Policies and Regulations

This section applies to breakwater, jetties, or groin construction and maintenance in the City's shoreline jurisdiction.

5.B.4.b. Breakwaters, Jetties, and Groins Policies

POLICY SH-207. Prohibit the construction and placement of jetties and groins.

POLICY SH-208. Allow the construction of breakwaters or other protective structures only when there is a demonstrated need for such structures to protect existing marina uses in the Marina or Marina Civic environment and there is no technically feasible alternative.

5.B.4.c. Breakwater, Jetty, and Groin Regulations (PROPOSED REGULATORY CONCEPTS)

- The construction of jetties and groins is prohibited.
- Breakwaters are only allowed when necessary to protect existing marina uses in the marina environment and when there is no technically feasible alternative.
- Develop standards with a preference for floating or open pile design alternatives over fixed or mounded structures.
- Develop standards to guide the siting and placement, size, materials, and construction of breakwaters.
- Require proof of WA DNR aquatic lease approval prior to the commencement of construction.

5.B.5. Dredging and Dredge Disposal

Dredging is the removal or displacement of earth or sediment (gravel, sand, mud, silt and/or other material or debris) from a stream, river, lake, marine water body, or associated marsh, bog or swamp. Activities which may require dredging include the construction and maintenance of navigation channels, levee construction, recreation facilities, boat access, and ecological restoration.

Dredge material disposal is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands for other uses or disposing of the by-products of dredging.

5.B.5.a. Applicability of Dredging and Dredge Disposal

This section applies to all dredging and dredge disposal activities in the City's shoreline jurisdiction.

5.B.5.c. Dredging and Dredge Disposal Policies

POLICY SH-209: Dredging and dredge disposal should only be allowed when needed to:

- (i) To facilitate ecological restoration or enhancement;
- (ii) To construct facilities for public access or water-oriented public recreation identified in an adopted plan;
- (iii) for the purpose of establishing, expanding, relocating, or reconfiguring navigation channels and basins.
- (iv) To assure safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided; or
- (v) To facilitate the construction and maintenance of essential public facilities or public utility facilities where no technically feasible alternative exists.

POLICY SH-210. Dredging may only be permitted if there is no significant long term degradation of water quality. Temporary and permanent impacts should be restored.

POLICY SH-211. Dredging for the primary purpose of obtaining fill material to create uplands shall not be allowed.

POLICY SH-212. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and or existing authorized location, depth and width.

5.B.5.d. Dredging and Dredge Disposal Regulations (PROPOSED REGULATORY CONCEPTS)

- Dredging is prohibited in wetlands and streams except where necessary to support an essential public facility or public utility facility and where no technically feasible alternative exists.
- For both the upland and aquatic areas, develop regulations governing dredging activities to limit dredging to the minimum necessary for the restoration of the intended function or use.
- Develop standards addressing the ultimate disposal of dredge spoils including placement characterization, dewatering, storage, and transport.
- Dredging shall utilize techniques which cause minimum dispersal and broadcast of bottom material.
- Areas of new permanent disturbance and all areas of temporary disturbance within shoreline jurisdiction shall be mitigated and/or restored pursuant to a mitigation and restoration plan.
- When feasible and appropriate, dredging projects should encourage integration of restoration and stabilization measures.

5.B.6. Shoreline Restoration

Shoreline restoration is the improvement of the natural characteristics of upland or submerged shoreline areas using native materials to restore or enhance shoreline ecological functions. Shoreline restoration includes those activities proposed and conducted for the purpose of establishing, restoring, or enhancing habitat for fish and wildlife in shorelines, improving water quality, increasing public access, and preserving the character of the City's shoreline resources.

5.B.6.a. Applicability of Shoreline Restoration Policies and Regulations

This section applies to all shoreline restoration activities proposed in the City's shoreline jurisdiction, as proposed under the Restoration Plan included as an appendix to this SMP. Mitigation and restoration proposed outside of the Restoration Plan or required as part of a specific development proposal is also guided by this section.

5.B.6.b. Shoreline Restoration Policies

POLICY SH-213. Develop City sponsored habitat enhancement demonstration projects as examples of options available for shoreline restoration.

POLICY SH-214. Promote restoration projects, especially those identified as part of the Restoration Plan included in the City's Shoreline Master Program.

POLICY SH-215. Provide incentives for private property owners to voluntarily undertake individual shoreline restoration projects on their property.

POLICY SH-216. To mitigate project level impacts, consider a City operated fee-in-lieu program. For public projects, allow for a transfer of functions to alternative sites.

POLICY SH-217. Develop a dedicated funding strategy to implement the City's Restoration Plan.

POLICY SH-218. Where feasible, restore degraded portions of the 100-year floodplain to a natural and undeveloped state.

POLICY SH-219. Obtain, for protection and restoration, areas that are sensitive to urbanization, represent valuable natural and aesthetic resources to the community, or provide the functions that benefit the community's environment.

5.B.6.c. Shoreline Restoration Regulations (PROPOSED REGULATORY CONCEPTS)

- Develop restoration incentives that streamline the permit process.
- Establish a means of sponsorship to allow for restoration as an exemption as allowed under the SMA.
- Allow for streamlined permitting for projects that follow pre-defined prescriptive restoration or mitigation templates.
- Develop a fee-in-lieu program and a dedicated funding strategy.
- Identify incentives that grant dimensional deviations from standard setbacks to promote the voluntary restoration of shoreline setback areas. (**Example:** for every 1,000 sf of shoreline setback area restored grant 2 feet of front yard setback reduction.)

5.B.7. Clearing and Grading in Shoreline Jurisdiction

For the purpose of this chapter, clearing and grading includes clearing, grading, excavation, or filling. Clearing means the act of destroying or removing vegetation by any means, including chemical, mechanical, or by hand. Grading means any excavating or filling or combination thereof. Excavation means the removal of material such as earth, sand, gravel, rock, or asphalt. Filling means any act by which earth, sand, peat, gravel, rock, asphalt, concrete, or other solid material is deposited or placed.

5.B.7.a. *Applicability of Clearing and Grading Policies and Regulations*

This section applies to all clearing and grading activity in the Shoreline Jurisdiction, including the shoreline setback and is intended to address impacts caused by activity related to other uses or modifications addressed in this SMP.

5.B.7.b. *Clearing and Grading Policies*

POLICY SH-220. Regulate land-disturbing activities within the shoreline jurisdiction to protect the natural topographic, geologic, vegetated, and hydrological features of the landscape.

POLICY SH-221. Prevent erosion in the shoreline during and after development through the use of appropriate BMPs on sites where soils, conditions, and activities are prone to erosion.

POLICY SH-222. Promote soil stability and maintain the natural rate of soil permeability through the retention of existing vegetation, preservation of native soils, and use of soil amendments.

5.B.7.c. *Proposed Clearing and Grading Regulations (PROPOSED REGULATIONS)*

- i. Clearing and grading activities within the shoreline jurisdiction shall be permitted only on approval of a clearing and grading permit under the provisions established in Chapter 23.76 BCC.
- ii. Clearing and grading is prohibited within the shoreline setback, except as authorized by a valid shoreline permit or approval issued by the City.
- iii. Clearing and grading activities in shoreline jurisdiction shall be consistent with the provisions of this SMP, including, but not limited to, the regulations regarding streams, wetlands and their buffers, geologically hazardous areas, shoreline vegetation, and trees.
- iv. Clearing and grading activities shall be consistent with the provisions of the most current edition of the City of Bellevue's Clearing and Grading Development Standards.
- v. All excess material resulting from clearing and grading activities shall be disposed of in a manner that prevents the material from entering into a waterbody through erosion or runoff. Where large quantities of plants are removed by vegetation control activities authorized under this section, plant debris shall be collected and disposed of in an appropriate location outside of the shoreline setback.

- vi. When allowed, all materials used as fill shall be non-dissolving and non-decomposing. Fill material shall not contain organic or inorganic material that would be detrimental to water quality or existing habitat, or create any other significant adverse impacts to the environment.
- vii. Clearing and grading activity must be the minimum necessary.
- viii. Dirt, rocks and similar materials shall not be stockpiled in the shoreline setback. If stockpiling is necessary during construction, it must be located as far as feasible from the shoreline and strictly contained to prevent erosion and runoff.

5.B.8. Piers and Docks (Over Water Structures)

For the purpose of this section piers and docks include over-water structures used for moorage, boat-related, and other directly water-dependent uses or development, including docks, piers, boat launches, swimming/diving platforms, public access boardwalks, fishing piers, and viewpoints. As used here, a dock associated with a single family residence is a water dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of the SMP.

5.B.8.a. Applicability of Pier and Dock Policies and Regulations

The policies and regulations included in this section apply to piers and docks within shoreline jurisdiction.

5.B.8.b. Pier and Dock Policies

POLICY SH-223. Piers, docks, and floats should be allowed only for water-dependent uses (including residential uses) such as access to pleasure craft, recreation, commercial uses, and required emergency vessels.

POLICY SH-224. Allow for maintenance, repair, and reconfiguration of existing functional and legally established piers and docks.

POLICY SH-225. Provide incentives and flexible alternatives for dock and pier construction and maintenance to protect the near shore while allowing maximum flexibility to the dock and pier user.

POLICY SH-226: New pier and dock construction should be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.

POLICY SH-227: Piers and docks should be designed and constructed to avoid or to minimize and mitigate the impacts to ecological functions and processes.

POLICY SH-228: Encourage the consolidation and joint use of residential piers and docks. New residential development of two or more dwellings should provide joint use or community dock facilities.

POLICY SH-229: Design and locate private piers so that they do not interfere with shoreline recreational uses, navigation, or the public's safe use of the shoreline or water.

POLICY SH-230: New pier or dock construction, excluding docks accessory to single-family residences, should be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent use.

POLICY SH-231: Overwater structures shall be constructed of materials that have been approved by applicable state agencies.

POLICY SH-232: New covered moorage, boathouses, or other covered and enclosed moorage shall be prohibited, with the exception of boat canopies.

POLICY SH-233. Allow minor maintenance and repair of existing covered moorage, boathouses, or other covered and enclosed moorage.

POLICY SH-234: Consider tailored standards for docks and piers on Phantom Lake and in the Shoreline Residential Canal (SRC) district that address the unique characteristics of those areas.

POLICY SH-235: Allow docks and piers in Mercer Slough only when they provide public access and launching of human-powered watercraft.

POLICY SH-236. Allow for maintenance and preservation of historic, public overwater structures.

5.B.8.c. Pier and Dock Regulations (PROPOSED REGULATORY CONCEPTS)

Residential Moorage Regulatory Concepts

- Amend existing residential pier and dock provisions (LUC 20.25E.080.N) to provide additional flexibility for repair and replacement of existing docks and piers and focus on improvements in materials and design with a focus on the protection of near shore ecological functions.
- Simplify existing residential pier and dock provisions (LUC 20.25E.080.N) for new construction to focus on the protection of near shore ecological functions.
- Provide an administrative process to modify prescriptive standards that does not require a variance or conditional use.
- Develop separate dock and pier standards for the moorage facilities in Shoreline Residential Canal environment and Phantom Lake that reflect the unique circumstances and environmental conditions.

Marina and Non-Residential Moorage Regulatory Concepts

- Rewrite design standards for new and existing marinas and non-residential boating facilities to address new designs, aging facilities, and industry trends.
- Develop maintenance and repair standards for marinas and non-residential boating facilities.
- Develop standards for private and public boat launch facilities including staging, ramp, and dock requirements.
- Develop standards for overwater structures and non-boating recreational facilities that provide public access, such as viewing platforms, swimming/diving floats, boardwalks, and fishing structures.
- Develop standards for off-shore moorage buoy fields.

- Develop standards for water-oriented transportation, such as ferries, water taxis, and float planes.

WORKING DRAFT

CHAPTER 6 – SHORELINES OF STATEWIDE SIGNIFIGANCE

6.A. Introduction – Shorelines of Statewide Significance

The City of Bellevue recognizes through this SMP that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. In following with the policies of the state this SMP is designed to ensure that in the interest of all people the development of shorelines of statewide significance is done in a manner which will promote and enhance the public interest, will protect against adverse effects to public health, will preserve the land, its vegetation, and wildlife, and protect the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

6. A.1 Designation of Shorelines of Statewide Significance

Lake Washington and Lake Sammamish are designated as shorelines of statewide significance as defined by RCW 90.58.030.

6.A.2. Applicability of Shorelines of Statewide Significance Policies

The provisions of this section apply to all uses and activities located within shoreline jurisdiction associated with a shoreline of statewide significance, as outlined in RCW 90.58.020.

6.A.3. Shorelines of Statewide Significance Policies

POLICY SH-237. Recognize and protect the statewide interest over local interest.

POLICY SH-238. Preserve the natural character and wildlife habitat of the shoreline.

POLICY SH-239. Give preference to uses and development that give long term benefit over short term benefit.

POLICY SH-240. Protect the resources and ecology of the shoreline.

POLICY SH-241. Increase public access to publicly owned areas of the shoreline.

POLICY SH-242. Increase recreational opportunities for the public in the shoreline environment.

CHAPTER 7 – DEFINITIONS

Accessory use. Any structure or use incidental and subordinate to a primary use or development.

Adjacent lands. Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Administrator. The City of Bellevue Planning Director or his/her designee, charged with the responsibility of administering the Shoreline Master Program.

Anadromous. Fish species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to spawn.

Appurtenance. A structure or development which is necessarily connected to the use and is located landward of the ordinary high water mark and also of the perimeter of any wetland. On a state-wide basis, normal appurtenances include a garage, deck, driveway, utilities, fences and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. (WAC 173-27-040(2)(g))

Aquatic. Pertaining to those areas waterward of the ordinary high water mark.

Aquaculture. The cultivation of fish, shellfish, and other aquatic animals or plants, including the incidental preparation of these products for human use.

Archaeological. Having to do with the scientific study of material remains of past human life and activities.

Associated Wetlands. Wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to WAC 173-22-030(1).

Average grade level. See “base elevation.”

Base elevation. The average elevation of the approved topography of a parcel at the midpoint on each of the four sides of the smallest rectangle that will enclose the proposed structure, excluding eaves and decks.

Beach. The zone of unconsolidated material that is moved by waves and wind currents, extending landward to the shoreline.

Beach enhancement/restoration. Process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills and other nonintrusive means as applicable.

Berm. A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the ordinary high water mark. Also, a linear mound used to

screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Bioengineering. The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

Biofiltration system. A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds and other vegetative features.

Bog. A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues, and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.

Buffer or buffer area. See definition in the Critical Areas Regulations, Ordinance No. 5680.

Building height. See definition in the Bellevue Land Use Code section 20.50, as amended.

Building Setback. An area in which structures, including but not limited to sheds, homes buildings, and awnings shall not be permitted within, or allowed to project into. It is measured horizontally upland from and perpendicular to the ordinary high water mark.

Bulkhead. A solid wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action.

Buoy. An anchored float for the purpose of mooring vessels.

Channel. An open conduit for water, either naturally or artificially created; does not include artificially created irrigation, return flow, or stockwatering channels.

City. The City of Bellevue Washington.

Clearing. The destruction or removal of vegetation ground cover, shrubs and trees including root material removal and topsoil removal.

Compensatory Mitigation. See definition in the Critical Areas Regulations, Ordinance No. 5680.

Comprehensive Plan. Comprehensive plan means the document, including maps adopted by the city council, that outlines the City's goals and policies related to management of growth, and prepared in accordance with RCW 36.70A. The term also includes adopted subarea plans prepared in accordance with RCW 36.70A.

Conditional use. A use, development, or substantial development which is classified as a Conditional Use; or a use development, or substantial development that is not specifically classified within the SMP and is therefore treated as a Conditional Use.

Covered moorage. Boat moorage, with or without walls, that has a roof to protect the vessel.

Critical Areas Regulations. Refers to the City of Bellevue's Critical Areas Regulations, Ordinance No. 5680.

Current deflector. An angled stub-dike, groin, or sheet-pile structure which projects into a stream channel to divert flood currents from specific areas, or to control downstream current alignment.

Department of Ecology. The Washington State Department of Ecology.

Development. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any stage of water level. (RCW 90.58.030(3)(d).)

Development regulations. The controls placed on development or land uses by the City of Bellevue, including, but not limited to, zoning ordinances, Critical Areas Regulations, all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances, together with any amendments thereto.

Dock. A structure which abuts the shoreline and is used as a landing or moorage place for craft. A dock may be built either on a fixed platform or float on the water. See also "development" and "substantial development."

Dredging. Excavation or displacement of the bottom or shoreline of a water body.

Ecological functions (or shoreline functions). The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

Ecosystem-wide processes. The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

EIS. Environmental Impact Statement.

Emergency. An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full

compliance with the SMP. Emergency construction is construed narrowly as that which is necessary to protect property and facilities from the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW or this SMP, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency. (RCW 90.58.030(3eiii).)

Enhancement. Alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions.

Environment designation(s). See “shoreline environment designation(s).”

Erosion. The wearing away of land by the action of natural forces.

Exemption. Certain specific developments listed in WAC 173-27-040 are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the SMA and the local SMP. Conditional Use and variance permits may also still be required even though the activity does not need a substantial development permit. (RCW 90.58.030(3e); WAC 173-27-040.) (See also “development” and “substantial development.”)

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

Feasible. An action, such as a development project, mitigation, or preservation requirement, is feasible when it meets all of the following conditions:

- (a) The action can be accomplished with technologies and methods that have been used in the past, or studies or tests have demonstrated that such approaches are currently available and likely to achieve the intended results.
- (b) The action provides a reasonable likelihood of achieving its intended purpose.
- (c) The action does not physically preclude achieving the project's primary intended use.

In cases where these regulations require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Fill. The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Floats. An anchored, buoyed object.

Floodplain. A term that is synonymous with the one hundred-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the SMA.

Floodway. Those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative groundcover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Gabions. Structures composed of masses of rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Geologically hazardous areas. Lands or areas characterized by geologic, hydrologic, and topographic conditions that render them susceptible to varying degrees of potential risk of landslides, erosion, or seismic or volcanic activity; and areas characterized by geologic and hydrologic conditions that make them vulnerable to contamination of groundwater supplies through infiltration of contaminants to aquifers.

Geotechnical report (or geotechnical analysis). A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified engineers or geologists who are knowledgeable about the regional and local shoreline geology and processes. If the project is in a Channel Migration Zone, then the report must be

prepared by a professional with specialized experience in fluvial geomorphology in addition to a professional engineer.

Grade. See “base elevation.”

Grading. The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Grassy Swale. A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

Guidelines. Those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC) to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of shoreline master programs. Such standards also provide criteria for local governments and the Department of Ecology in developing and amending shoreline master programs. The Guidelines may be found under WAC 173-26.

Habitat. The place or type of site where a plant or animal naturally or normally lives and grows.

Height. See “building height.”

Hydrological. Referring to the science related to the waters of the earth including surface and ground water movement, evaporation and precipitation. Hydrological functions in shoreline include, water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

Letter of exemption. A letter or other official certificate issued by the City to indicate that a proposed development is exempted from the requirement to obtain a shoreline permit as provided in WAC 173-27-050. Letters of exemption may include conditions or other provisions placed on the proposal in order to ensure consistency with the Shoreline Management Act and this SMP.

Littoral. Living on, or occurring on, the shore.

Littoral drift. The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

Low Impact Development (LID) Technique. A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions. Additional information may be found in the City of Bellevue Surface Water Design Manual, as amended, in addition to the 2005 Puget Sound Action Team LID Manual, as amended.

Marina (Use). A marina means....(renting slips for long-term, not transient stays, etc.).

May. Refers to actions that are acceptable, provided they conform to the provisions of this SMP and the SMA.

Mitigation (or mitigation sequencing). The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal, including the following, which are listed in the order of sequence priority, with (a) being top priority.

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations.
- (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
- (f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Moorage facility. Any device or structure used to secure a boat or a vessel, including piers, docks, piles, lift stations or buoys.

Moorage pile. A permanent mooring generally located in open waters in which the vessel is tied up to a vertical column to prevent it from swinging with change of wind.

Multi-family dwelling (or residence). A building containing two or more dwelling units, including but not limited to duplexes, apartments and condominiums.

Must. A mandate; the action is required.

Native Plants or Native Vegetation. These are plant species indigenous to the Puget Sound region that could occur or could have occurred naturally on the site, which are or were indigenous to the area in question..

Nonconforming development. A shoreline use or structure which was lawfully constructed or established prior to the effective date of this SMP provision, and which no longer conforms to the applicable shoreline provisions.

Nonpoint pollution. Pollution that enters any waters of the state from any dispersed land-based or water-based activities, including, but not limited to, atmospheric

deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

Nonwater-oriented uses. Those uses that are not water-dependent, water-related, or water-enjoyment.

Normal maintenance. Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. See also “normal repair.”

Normal protective bulkhead. Those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.

Normal repair. To restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. (WAC 173-27-040.) See also “normal maintenance” and “development.”

Off-site replacement. To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

OHWM. See “ordinary high water mark.”

Ordinary high water mark (OHWM). That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or the Department of Ecology. (RCW 90.58.030(2)(b)).

Periodic. Occurring at regular intervals.

Person. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated. (RCW 90.58.030(1d).)

Pier element. Sections of a pier including the pier walkway, the pier float, the ell, etc.

Provisions. Policies, regulations, standards, guideline criteria or designations.

Public Access. Public access is the ability of the general public to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. (WAC 173-26-221(4)).

Public interest. The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

RCW. Revised Code of Washington.

Residential development. Development which is primarily devoted to or designed for use as a dwelling(s).

Restore. To significantly re-establish or upgrade shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments. To restore does not mean returning the shoreline area to aboriginal or pre-European settlement condition.

Revetment. Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

Riparian. Of, on, or pertaining to the banks of a river.

Riprap. A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

Riverbank. The upland areas immediately adjacent to the floodway, which confine and conduct flowing water during non-flooding events. The riverbank, together with the floodway, represents the river channel capacity at any given point along the river.

Runoff. Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

Sediment. The fine grained material deposited by water or wind.

SEPA (State Environmental Policy Act). SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process an EIS may be required to be prepared and public comments solicited.

Setback. A required open space, specified in this SMP, measured horizontally upland from and perpendicular to the ordinary high water mark.

Shall. A mandate; the action must be done.

Shorelands. All lands within Shoreline Management Act jurisdiction lying upland or higher in elevation of the OHWM.

Shoreline Administrator. City of Bellevue Planning Director or his/her designee charged with the responsibility of administering the Shoreline Master Program.

Shoreline areas (and shoreline jurisdiction). The same as "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

Shoreline environment designation(s). The categories of shorelines established to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. Shoreline environment designations include: Aquatic, High Intensity, Urban Conservancy – Low Intensity, Urban Conservancy – Open Space, and Shoreline Residential.

Shoreline functions. See “ecological functions.”

Shoreline jurisdiction. The term describing all of the geographic areas covered by the SMA, related rules and this SMP. See definitions of "shorelines", "shorelines of the state", "shorelines of state-wide significance" and "wetlands." See also the “Shoreline Management Act Scope” section in the “Introduction” of this SMP.

Shoreline Management Act (SMA). The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

Shoreline master program, master program, or SMP. This Shoreline Master Program, as adopted by the City of Bellevue and approved by the Washington Department of Ecology.

Shoreline modifications. Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, dock, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline permit. A substantial development, Conditional Use, revision, or variance permit or any combination thereof.

Shoreline property. An individual property wholly or partially within shoreline jurisdiction.

Shoreline restoration, or ecological restoration. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Shoreline restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Shoreline sub-unit. An area of the shoreline that is defined by distinct beginning points and end points by parcel number or other legal description. These sub-units are assigned environment designations to recognize different conditions and resources along the shoreline.

Shorelines. All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on areas of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream areas; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Shorelines of the state. The total of all “shorelines” and “shorelines of state-wide significance” within the state.

Shorelines Hearings Board (SHB). A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on Department of Ecology approval of shoreline master programs, rules, regulations, guidelines or designations under the SMA.

Shorelines of state-wide significance. A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special policies apply.

Should. The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this SMP, against taking the action.

Sign. A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

Significant ecological impact. An effect or consequence of an action if any of the following apply:

- (a) The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.
- (b) Scientific evidence or objective analysis indicates the action could cause reduction or harm to those ecological functions or ecosystem-wide processes described in (a) of this subsection under foreseeable conditions.
- (c) Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes described in (a) of this subsection as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

Significant vegetation removal. The removal or alteration of native trees, shrubs, or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive, non-native, or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

Single-family residence. A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

SMA. The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

Storm water. That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

Stream. A naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel. See also "channel."

Structure. That which is built or constructed, or an edifice or building of any kind or any piece of work composed of parts joined together in some definite manner, and includes posts for fences and signs, but does not include mounds of earth or debris.

Subdivision. The division or redivision of land, including short subdivision for the purpose of sale, lease or conveyance.

Substantial development. Any development which meets the criteria of RCW 90.58.030(3)(e). See also definition of "development" and "exemption".

Substantially degrade. To cause damage or harm to an area's ecological functions. An action is considered to substantially degrade the environment if:

- (a) The damaged ecological function or functions significantly affect other related functions or the viability of the larger ecosystem; or
- (b) The degrading action may cause damage or harm to shoreline ecological functions under foreseeable conditions; or
- (c) Scientific evidence indicates the action may contribute to damage or harm to ecological functions as part of cumulative impacts.

Sub-unit. For the purposes of this SMP, a sub-unit is defined as an area of the shoreline that is defined by distinct beginning points and end points by parcel number or other legal description. These sub-units are assigned environment designations to recognize different conditions and resources along the shoreline.

Swamp. A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.

Terrestrial. Of or relating to land as distinct from air or water.

Transportation Facilities. A structure or development(s), which aids in the movement of people, goods or cargo by land, water, air or rail. They include but are not limited to highways, bridges, causeways, bikeways, trails, railroad facilities, ferry terminals, float plane – airport or heliport terminals, and other related facilities.

Upland. Generally described as the dry land area above and landward of the ordinary high water mark.

Utility. A public or private agency which provides a service that is utilized or available to the general public (or a locationally specific population thereof). Such services may include, but are not limited to, storm water detention and management, sewer, water, telecommunications, cable, electricity, and natural gas.

Utilities (Accessory). Accessory utilities are on-site utility features serving a primary use, such as a water, sewer or gas line connecting to a residence. Accessory utilities do not carry significant capacity to serve other users.

Variance. A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this SMP and not a means to vary a use of a shoreline. Variance permits must be specifically approved, approved with conditions, or denied by the City's Hearing Examiner and the Department of Ecology.

Vessel. Ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with normal public use of the water.

Visual Access. Access with improvements that provide a view of the shoreline or water, but do not allow physical access to the shoreline.

WAC. Washington Administrative Code.

Water-dependent. A use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include fishing, boat launching, swimming, and storm water discharges.

Water-enjoyment. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to:

- Parks with activities enhanced by proximity to the water.
- Docks, trails, and other improvements that facilitate public access to shorelines of the state.

- Restaurants with water views and public access improvements.
- Museums with an orientation to shoreline topics.
- Scientific/ecological reserves.
- Resorts with uses open to the public and public access to the shoreline; and any combination of those uses listed above.

Water-oriented use. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

Water quality. The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this SMP, the term "water quantity" refers only to development and uses regulated under SMA and affecting water quantity, such as impervious surfaces and storm water handling practices. Water quantity, for purposes of this SMP, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water-related use. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Weir. A structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment of other moving objects transported by water.

Wetland or wetlands. Defined in the City of Bellevue Critical Areas Regulations, Ordinance No. 5680.

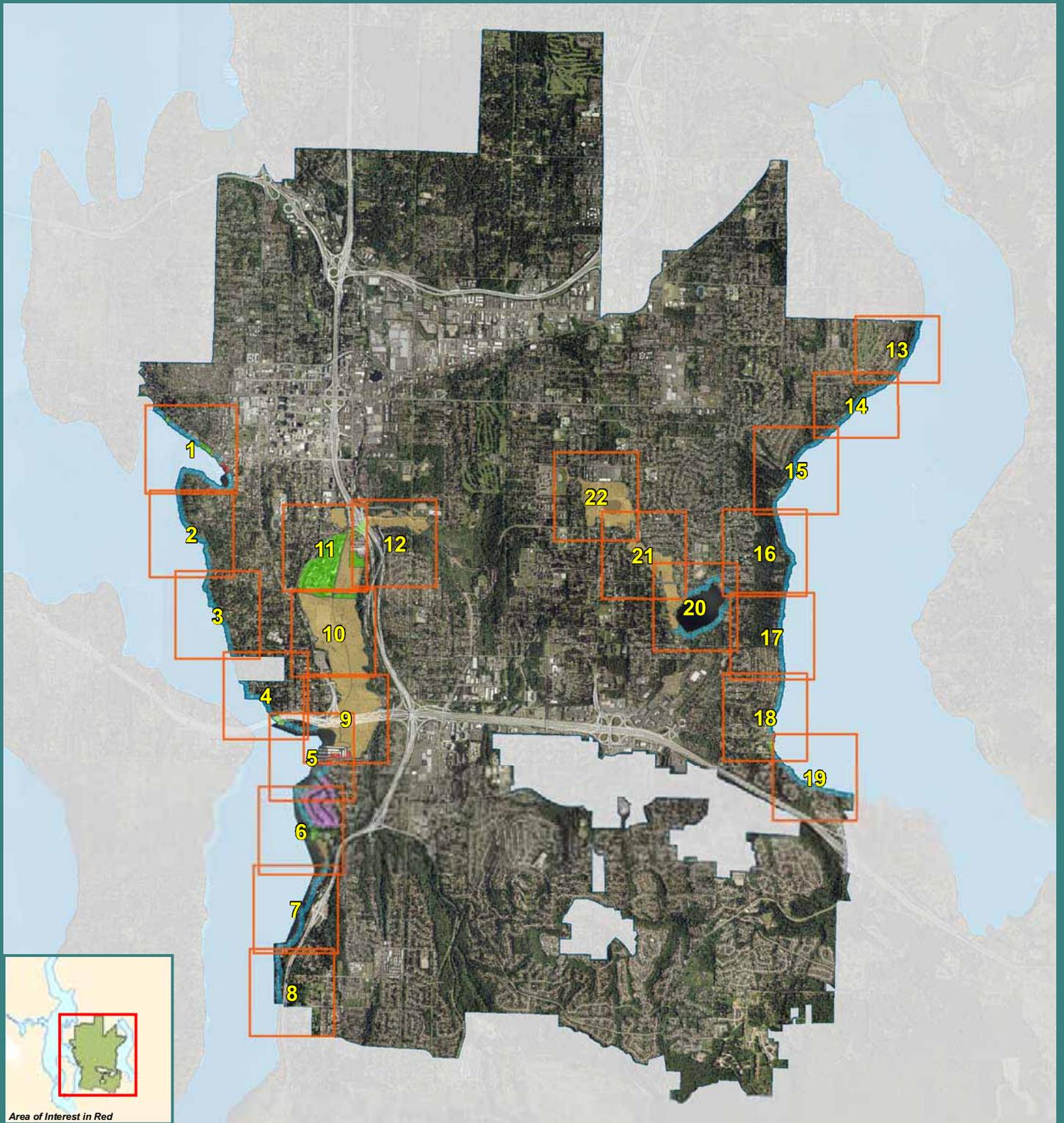
Wetland Category. Defined in the City of Bellevue Critical Areas Regulations, Ordinance No. 5680.

Wetland Delineation. Identification of a wetland boundary pursuant to the Wetland Delineation Manual as defined and described in the City of Bellevue Critical Areas Regulations, Ordinance No. 5680.

Wetlands Rating System. Defined in the City of Bellevue Critical Areas Regulations, Ordinance No. 5680.

Zoning. The system of land use and development regulations and related provisions of the Bellevue City Code, codified under Chapter 20, as amended.

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.



Overview Map

Environment Designations

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





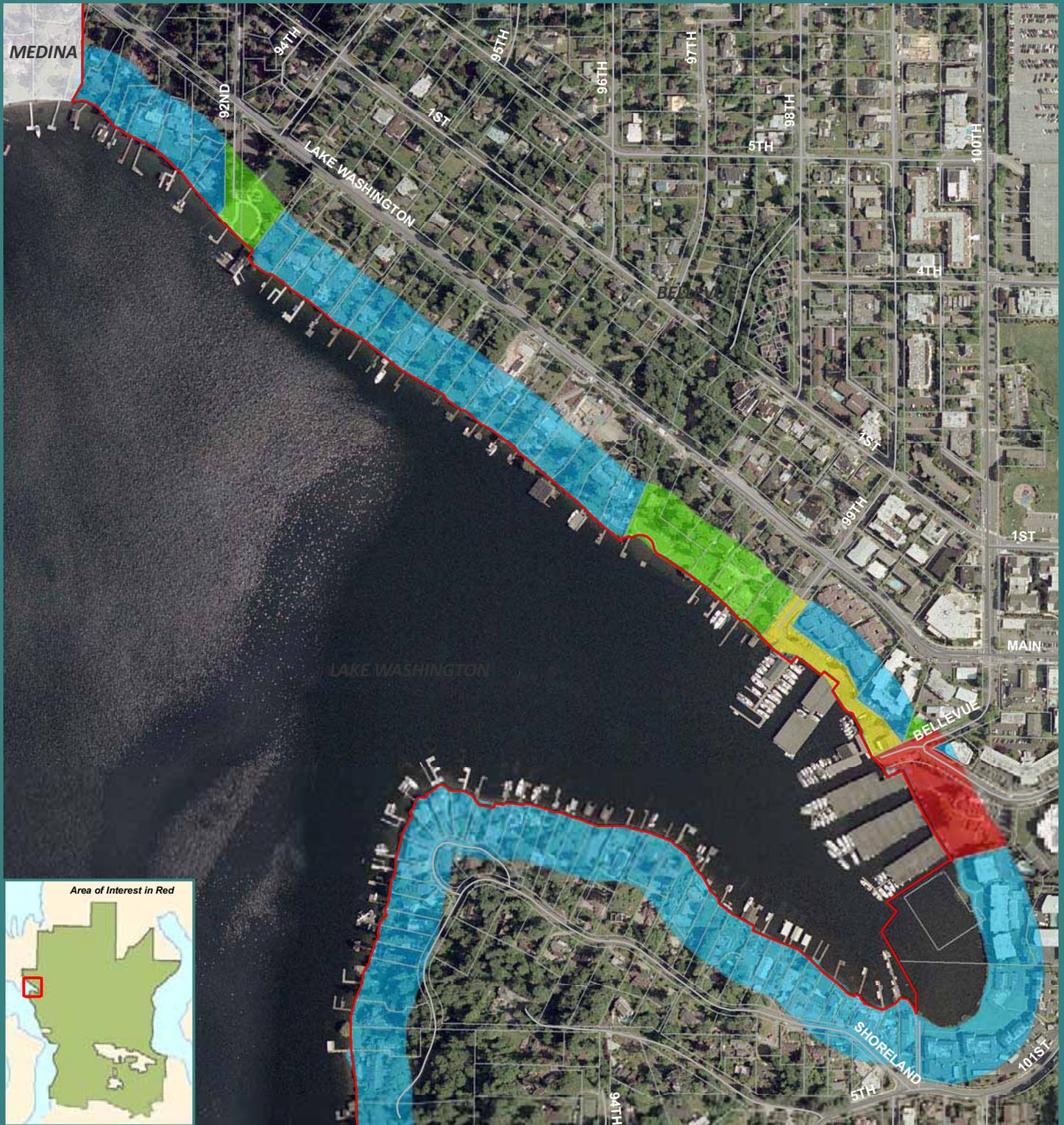

May, 2010.
Source: The Watershed Company, City of Bellevue

City of Bellevue Shoreline Master Program

LEGEND

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

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.



01-Lake Washington

Environment Designations

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

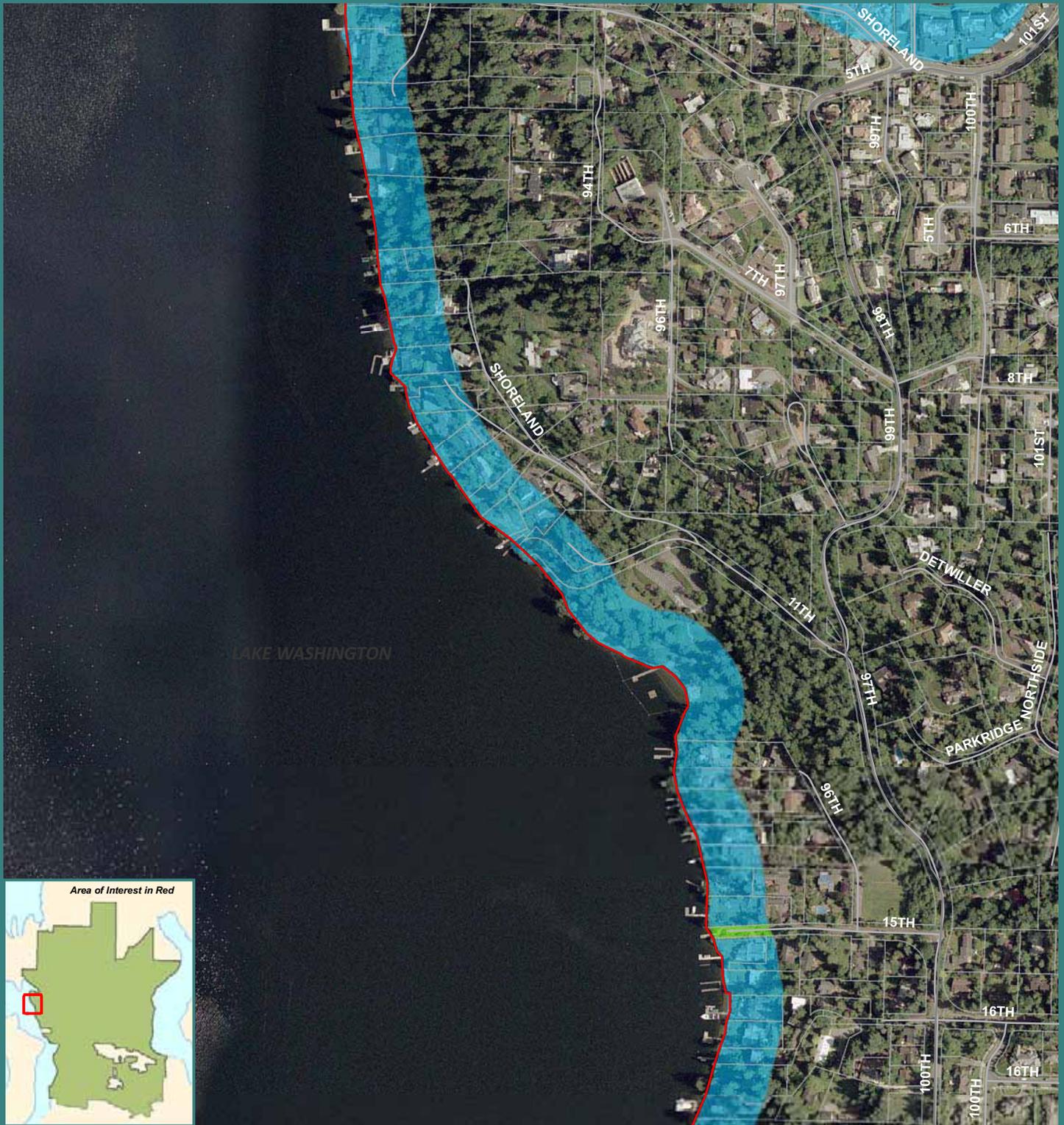
May, 2010.
Source: The Watershed Company, City of Bellevue

City of Bellevue Shoreline Master Program

LEGEND

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

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02-Lake Washington

Environment Designations

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

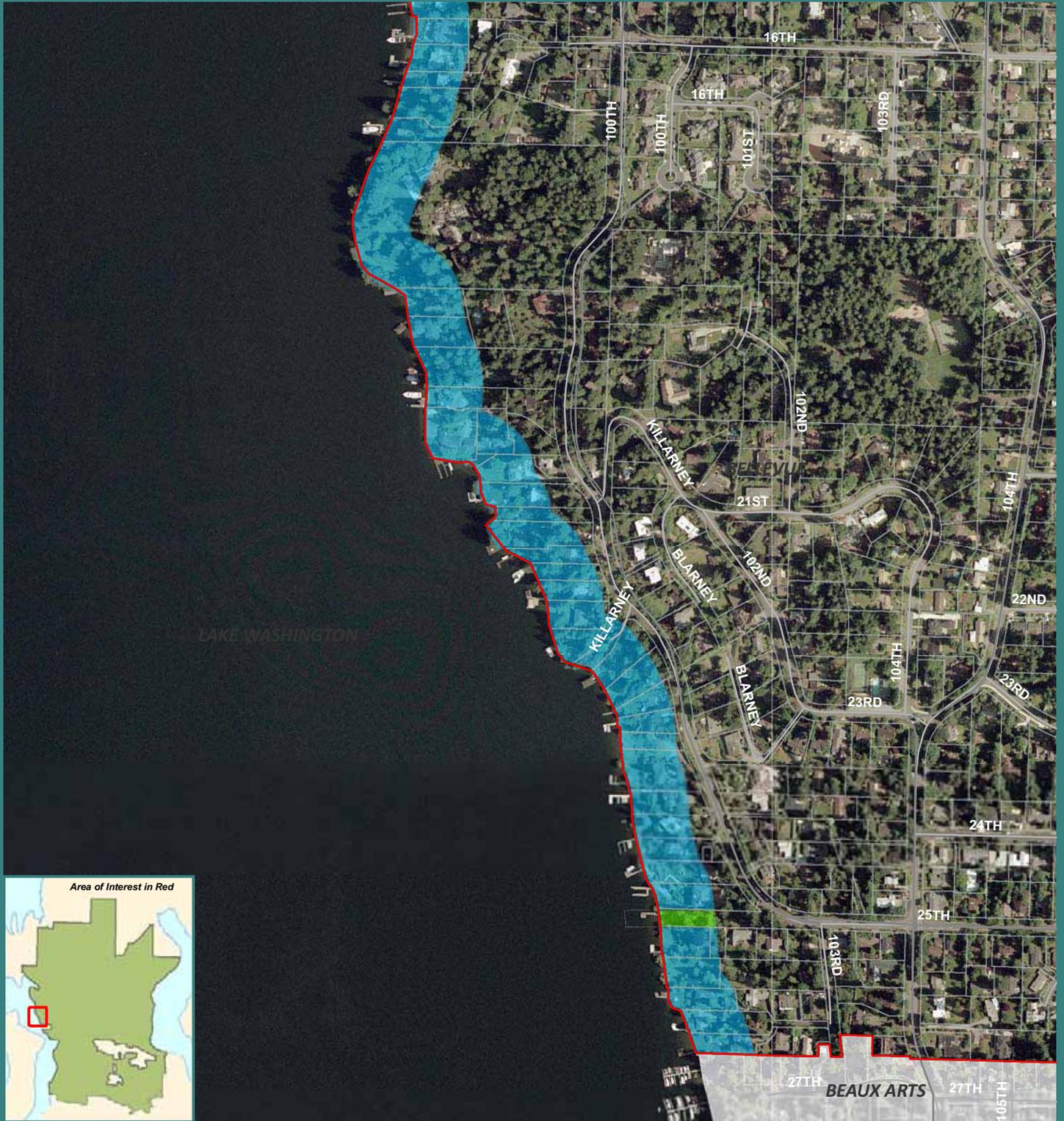
May, 2010.
Source: The Watershed Company, City of Bellevue

City of Bellevue Shoreline Master Program

LEGEND

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

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03-Lake Washington

Environment Designations

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

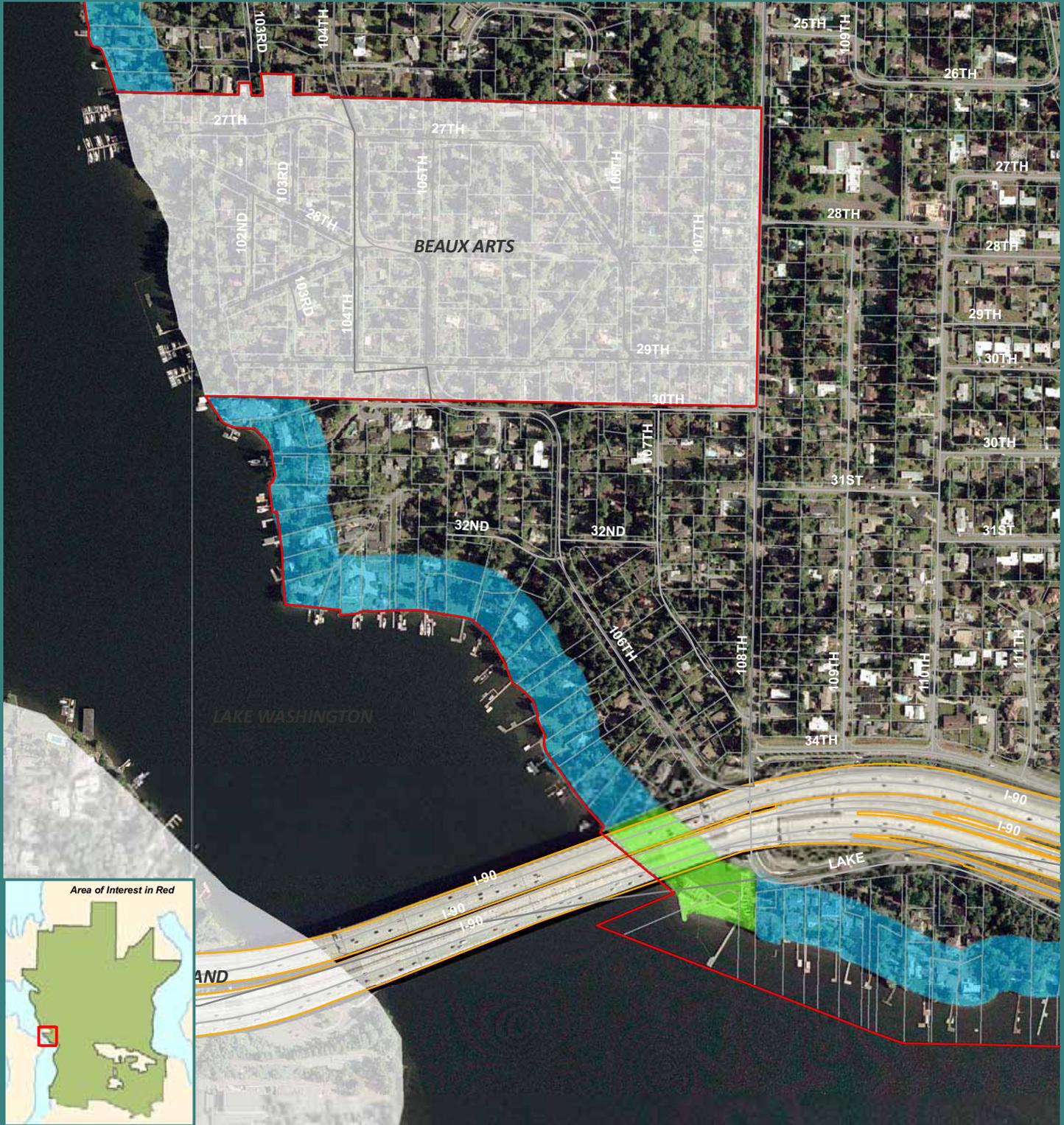
City of Bellevue Shoreline Master Program

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

LEGEND

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

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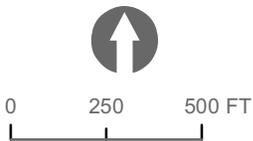


04-Lake Washington

Environment Designations

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

City of Bellevue Shoreline Master Program



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

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 are planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

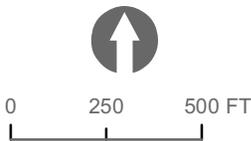


05-Lake Washington

Environment Designations

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

City of Bellevue Shoreline Master Program

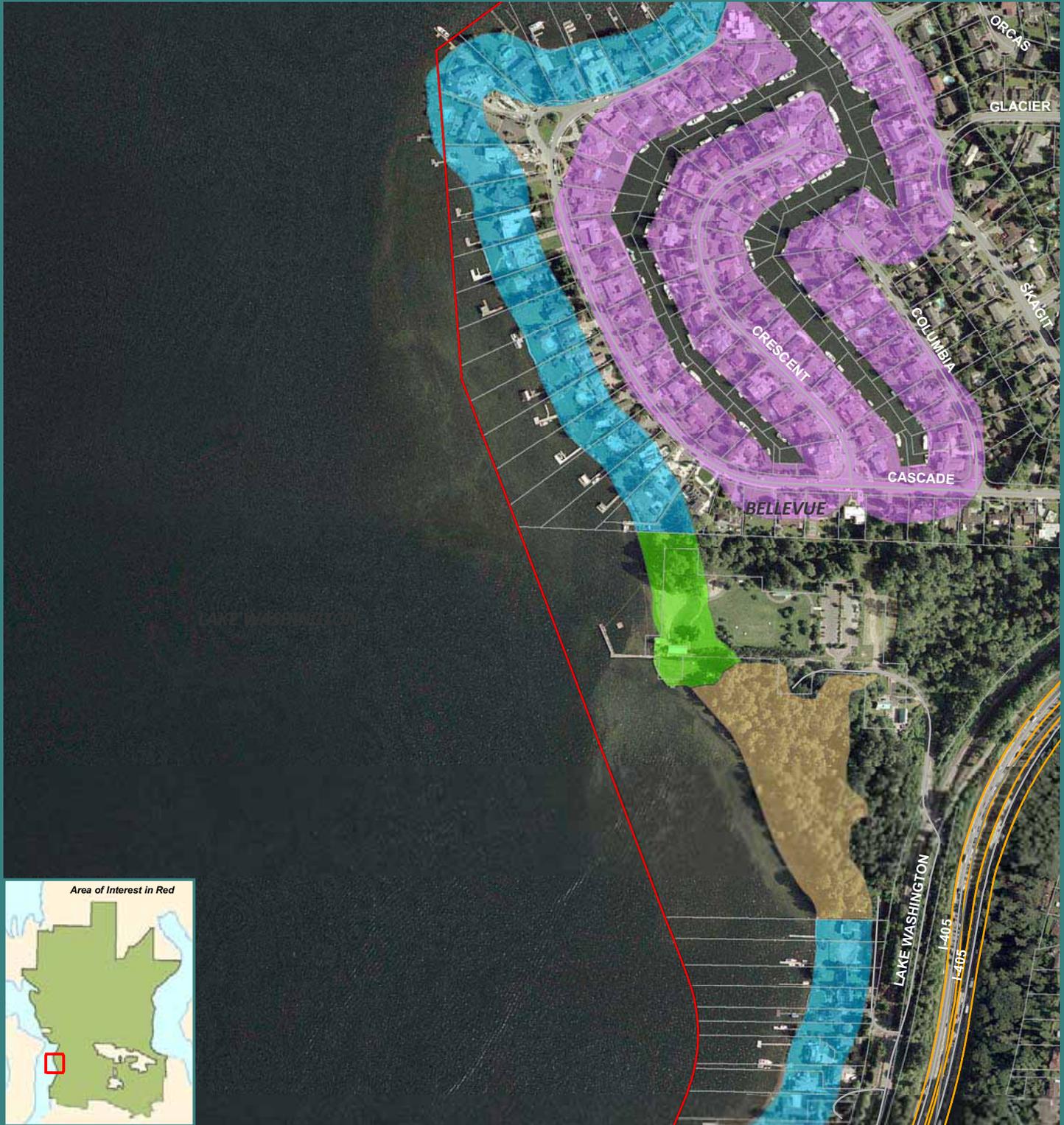


May, 2010.
Source: The Watershed Company, City of Bellevue

LEGEND

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

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.

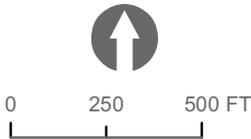


06-Lake Washington

Environment Designations

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

City of Bellevue Shoreline Master Program

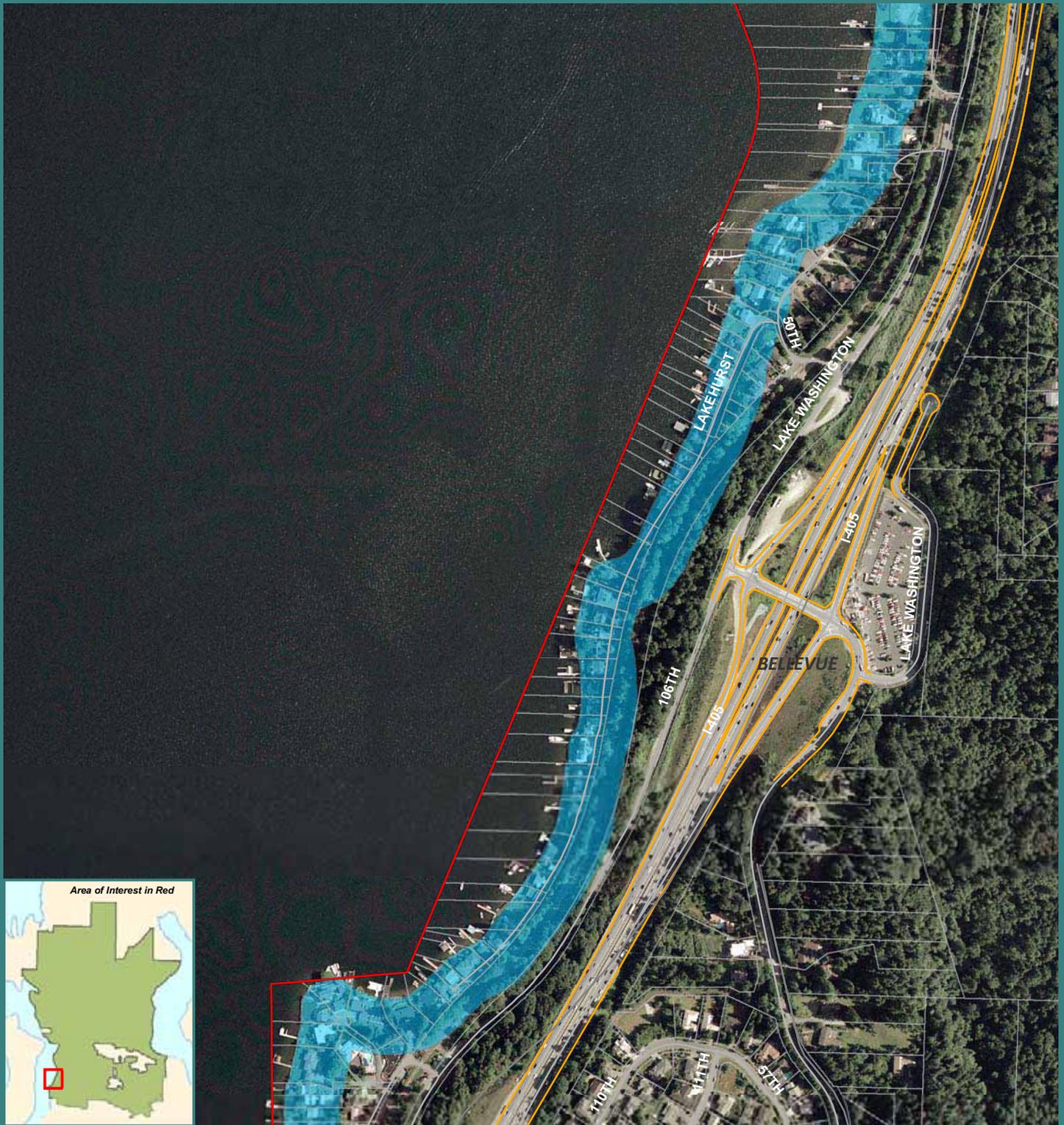


May, 2010.
Source: The Watershed Company, City of Bellevue

LEGEND

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

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07-Lake Washington

Environment Designations

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

City of Bellevue Shoreline Master Program

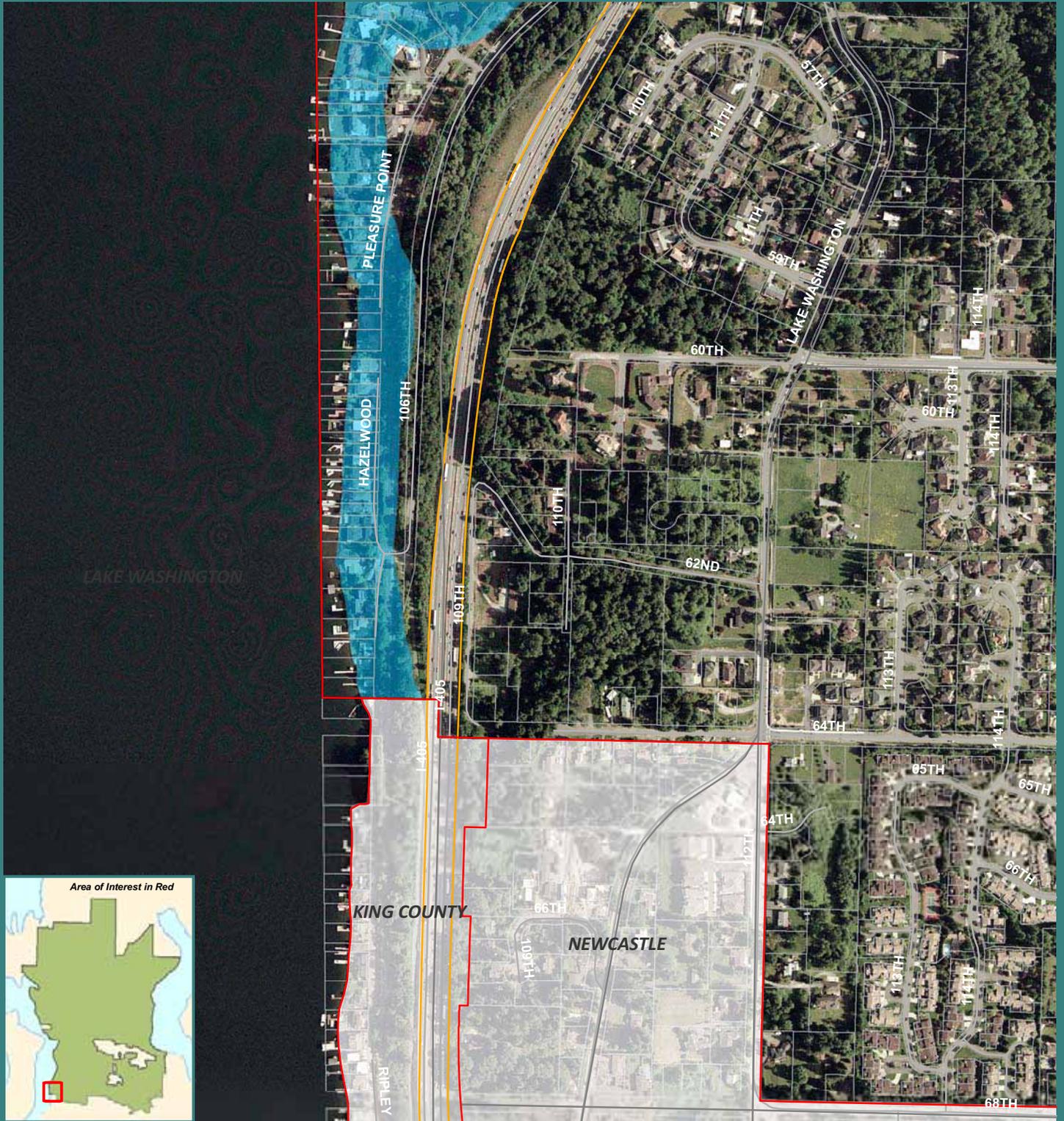
May, 2010.
Source: The Watershed Company, City of Bellevue

File #07-122342-AC

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 are planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.



08-Lake Washington

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

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09-Mercer Slough

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

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10-Mercer Slough

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

File #07-122342-AC

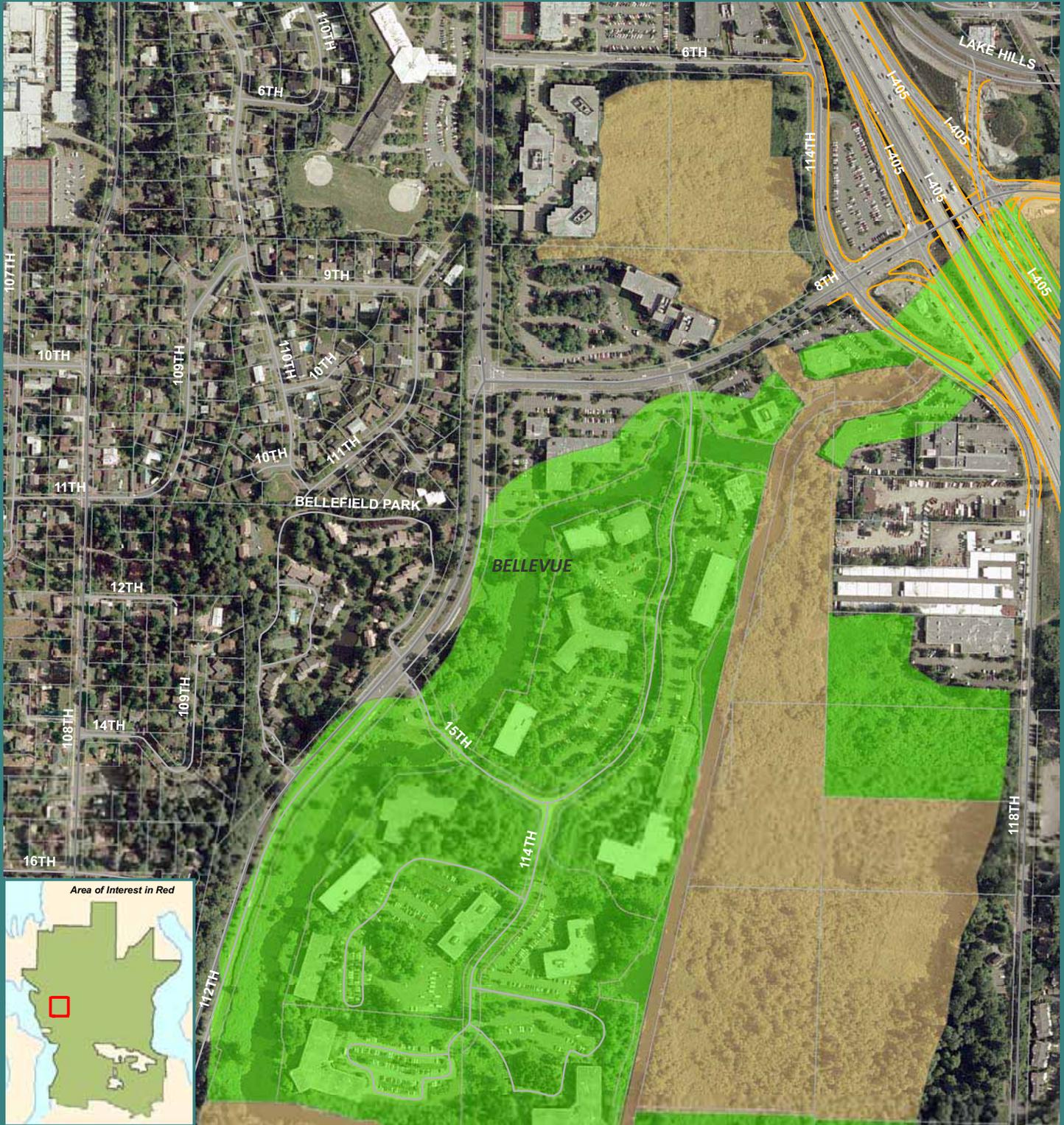
City of Bellevue Shoreline Master Program

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 are planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

Map 10 of 22



11-Mercer Slough

Environment Designations

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

0 250 500 FT

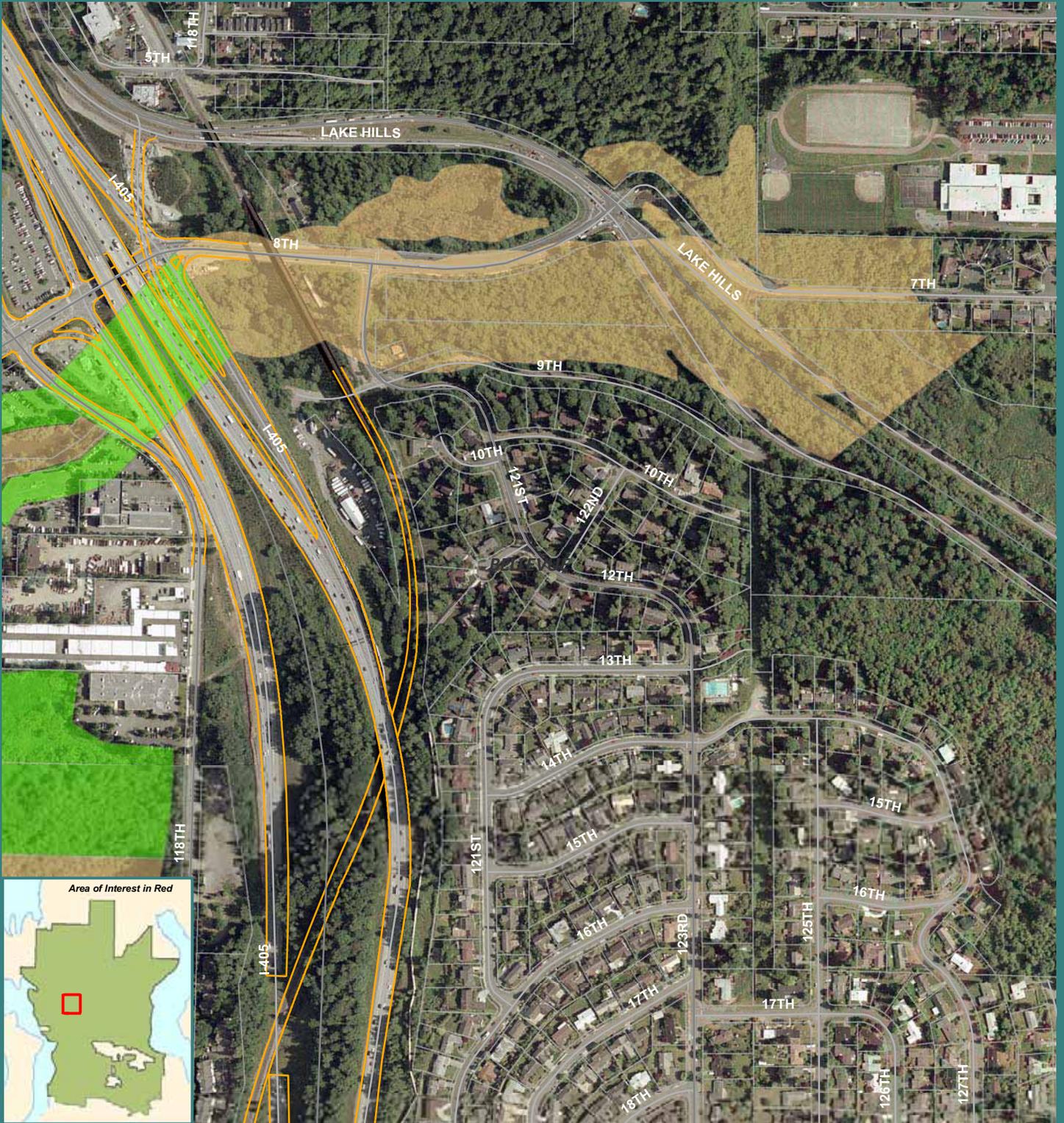
May, 2010.
Source: The Watershed Company, City of Bellevue

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 are planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.



12-Mercer Slough

Environment Designations

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

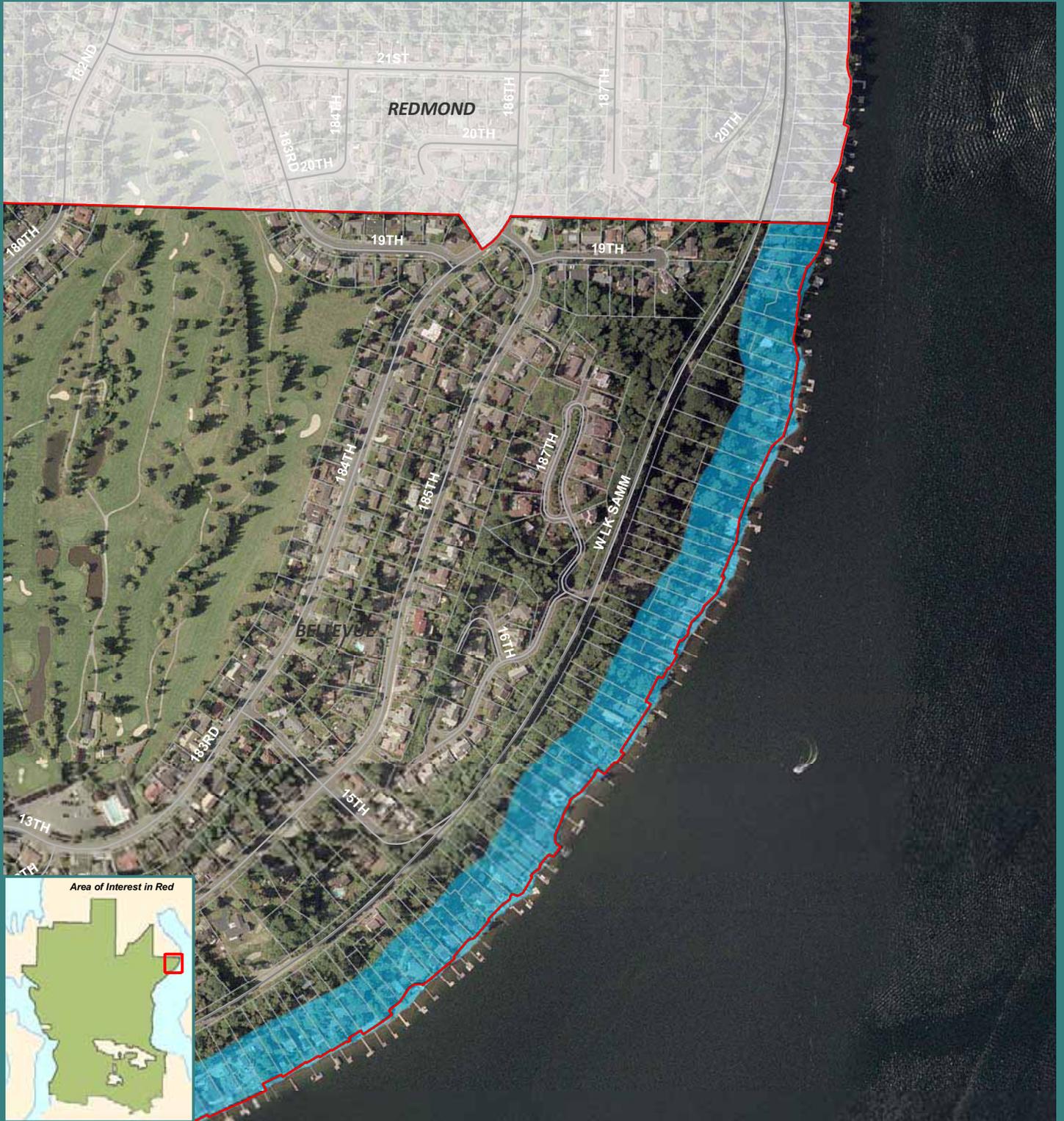
May, 2010.
Source: The Watershed Company, City of Bellevue

City of Bellevue Shoreline Master Program

LEGEND

- Marina
- 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 are planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.



13-Lake Sammamish

Environment Designations

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

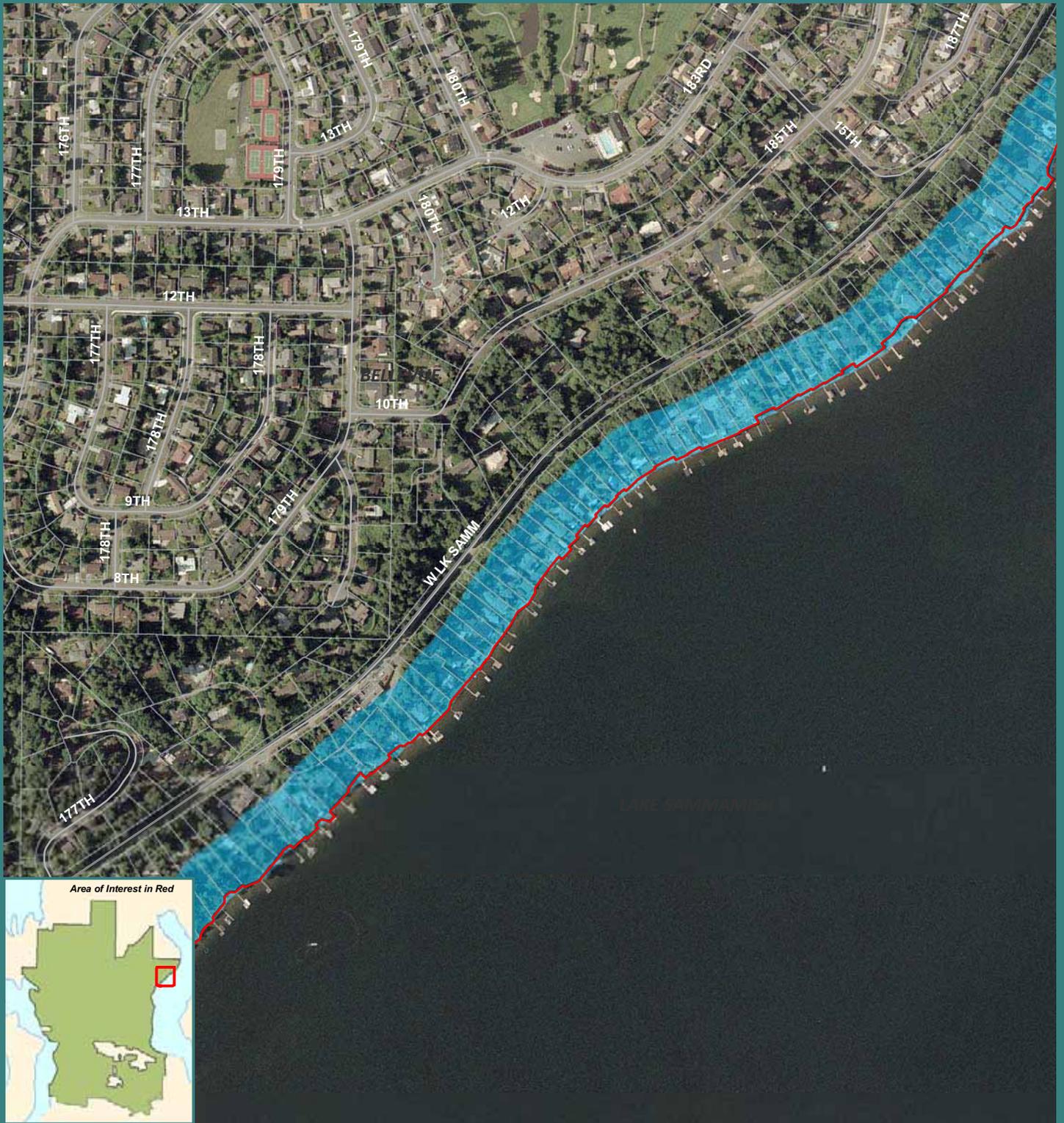
May, 2010.
Source: The Watershed Company, City of Bellevue

City of Bellevue Shoreline Master Program

LEGEND

- Marina
- 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 are planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.



14-Lake Sammamish

Environment Designations

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

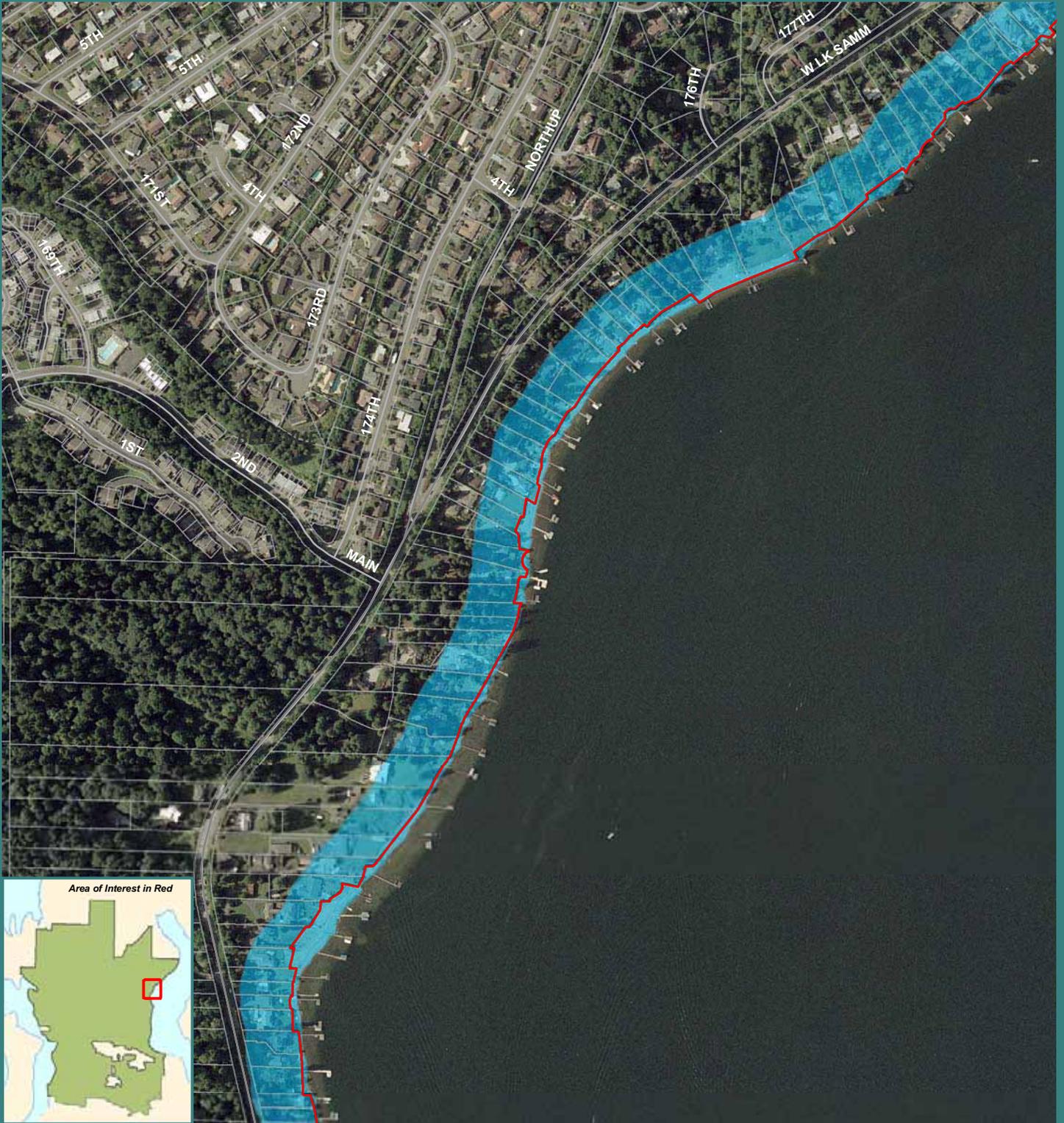
City of Bellevue Shoreline Master Program

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

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 are planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.



15-Lake Sammamish

Environment Designations

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

City of Bellevue Shoreline Master Program






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

LEGEND

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

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16-Lake Sammamish

Environment Designations

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

0 250 500 FT

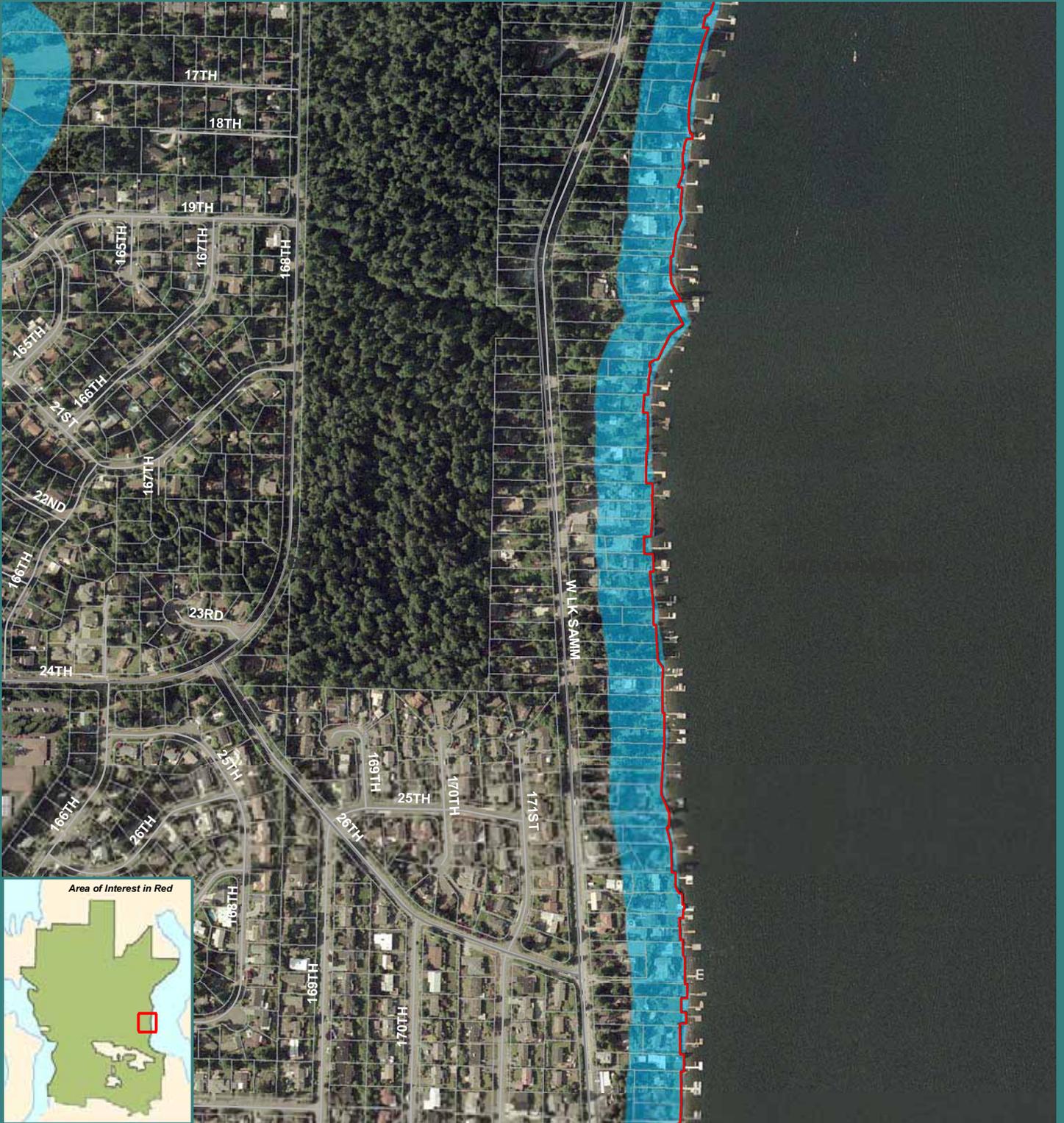
May, 2010.
Source: The Watershed Company, City of Bellevue

City of Bellevue Shoreline Master Program

LEGEND

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

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17-Lake Sammamish

Environment Designations

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

0 250 500 FT

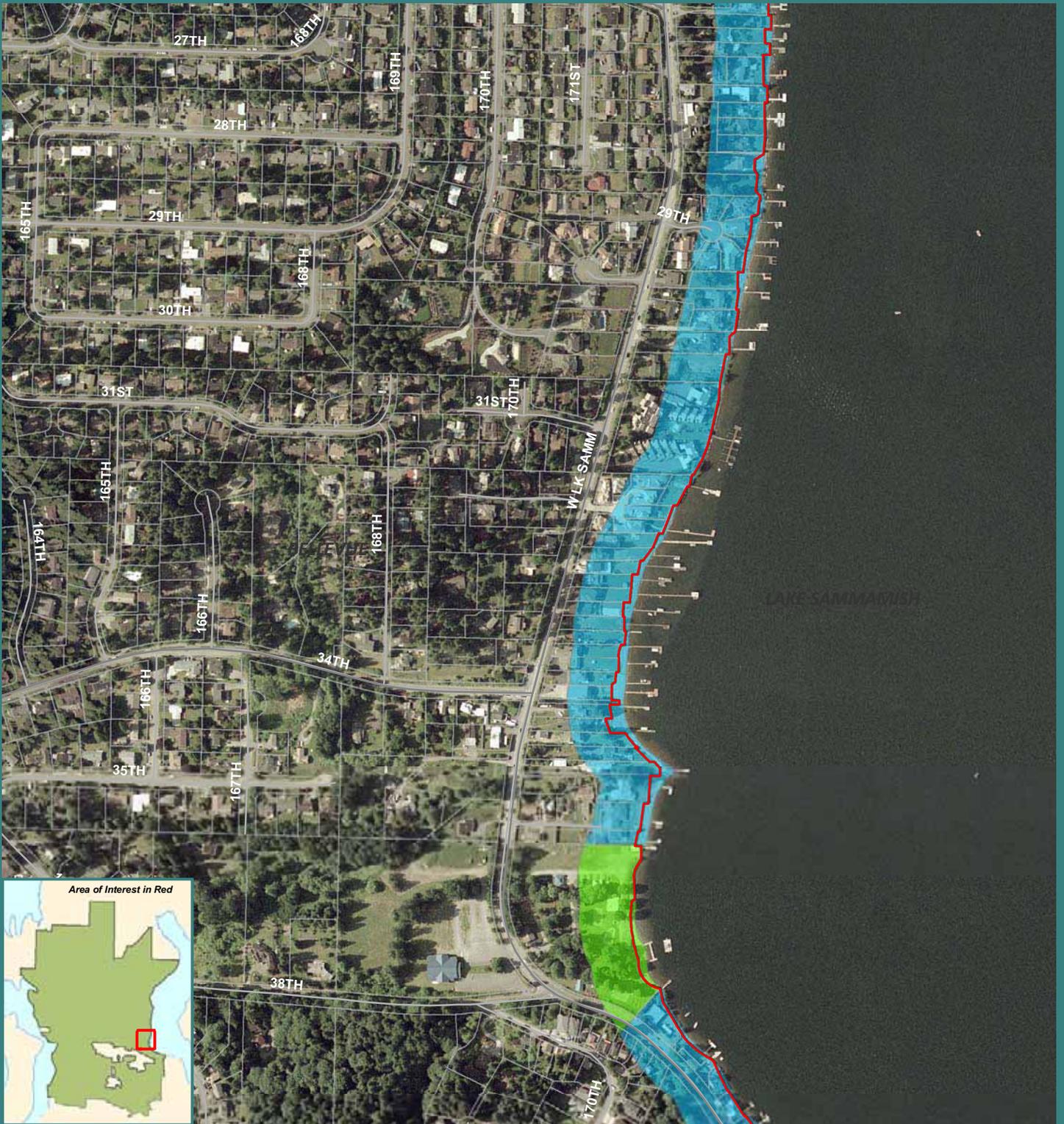
May, 2010.
Source: The Watershed Company, City of Bellevue

City of Bellevue Shoreline Master Program

LEGEND

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

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18-Lake Sammamish

Environment Designations

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

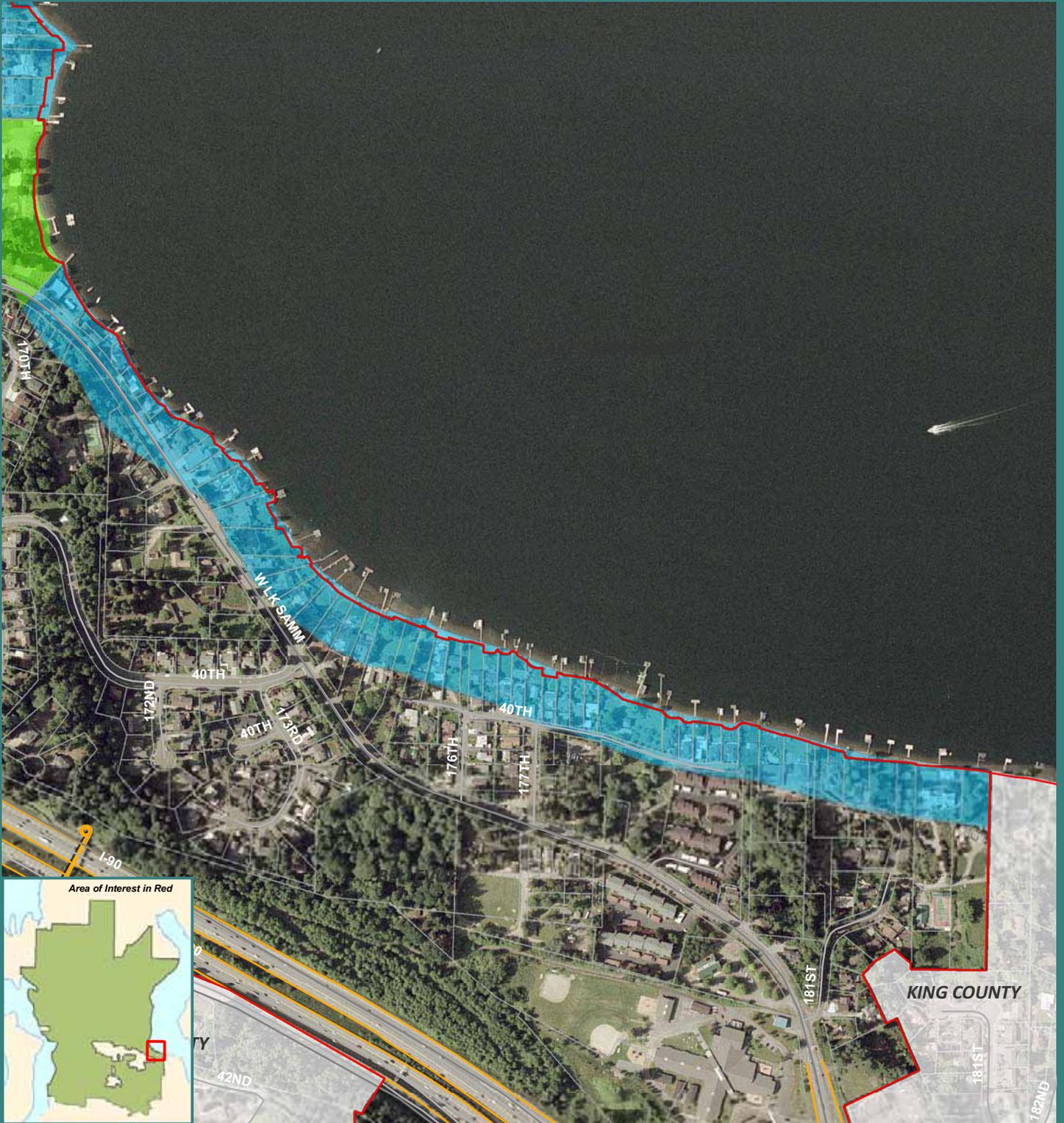
May, 2010.
Source: The Watershed Company, City of Bellevue

City of Bellevue Shoreline Master Program

LEGEND

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

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

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21-Phantom Lake

Environment Designations

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

City of Bellevue Shoreline Master Program

0 250 500 FT

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

LEGEND

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

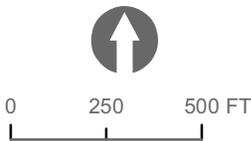
Shoreline jurisdiction boundaries depicted on this maps are approximate. They have not been formally delineated or surveyed and are intended are planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.



22-Phantom Lake

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

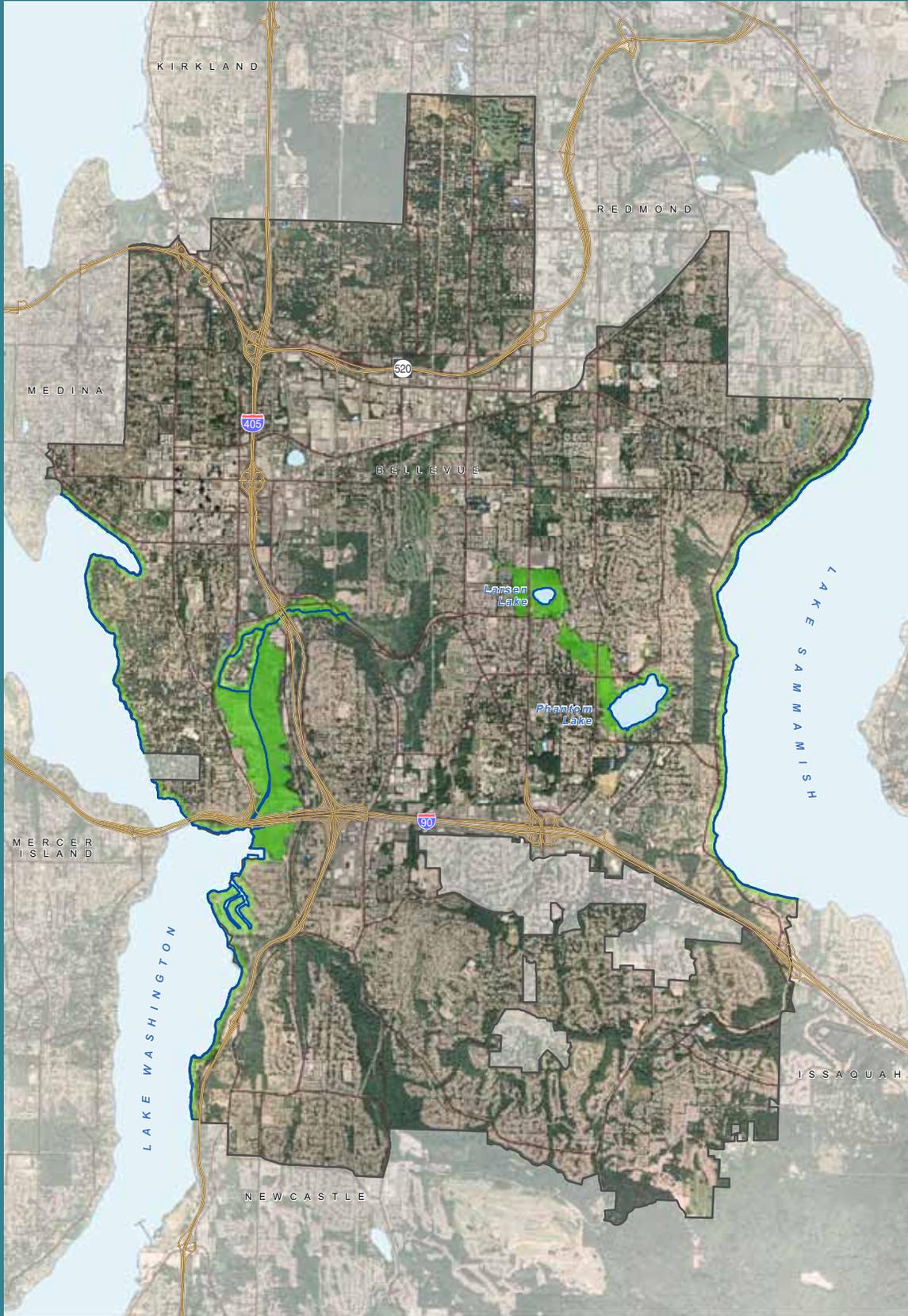
City of Bellevue Shoreline Master Program

LEGEND

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

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DRAFT



Proposed Minimum Shoreline Jurisdiction

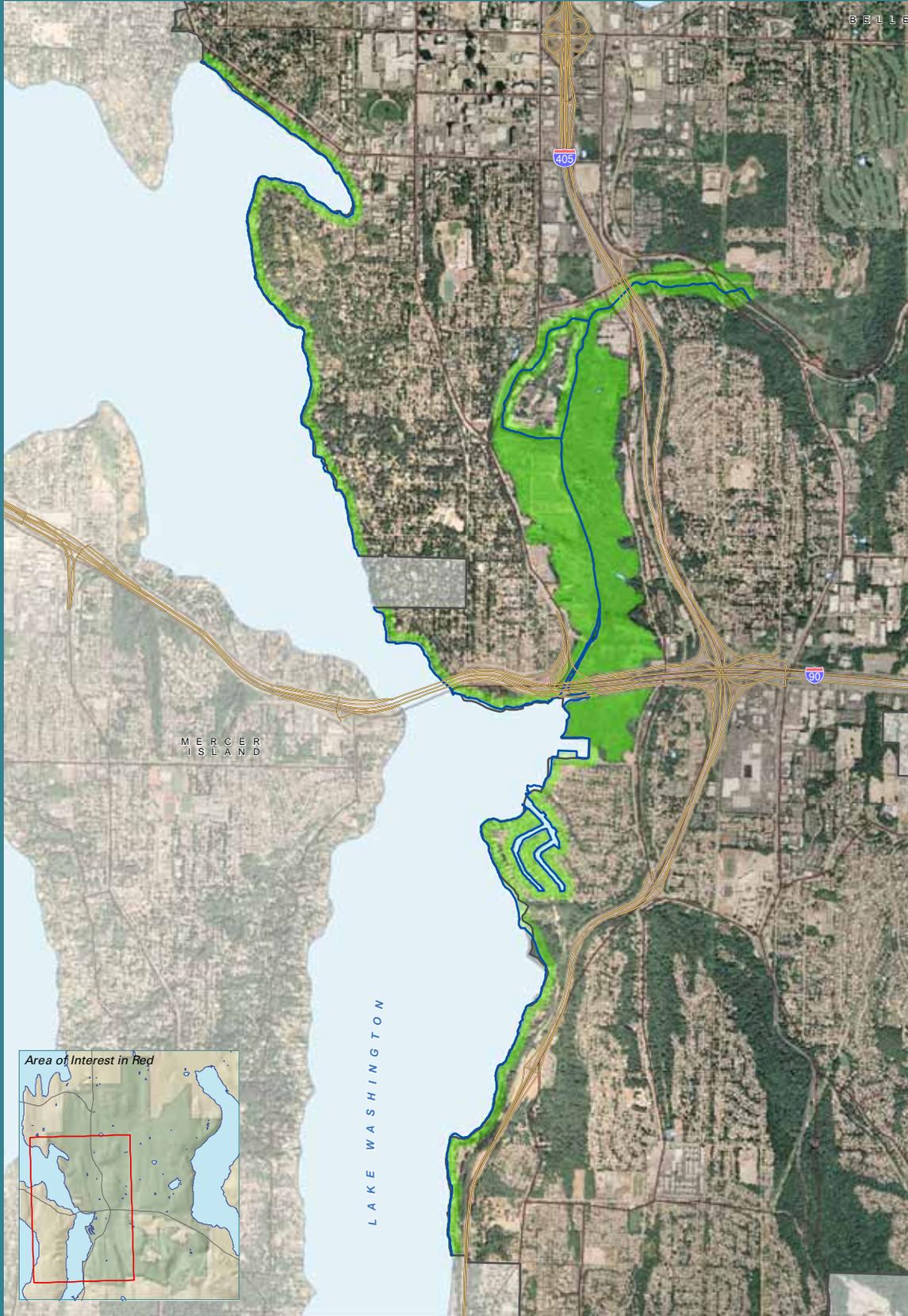
City of Bellevue Shoreline Master Program



January 15, 2008
 Data: The Watershed Company, USDA NAIP, City of Bellevue

- Minimum Shoreline Jurisdiction
- Ordinary High Water Mark
- Lakes
- City Boundary
- Highways
- ~ Major Streets

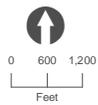
Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.



Proposed Minimum Shoreline Jurisdiction Lake Washington, Mercer Slough, and Kelsey Creek

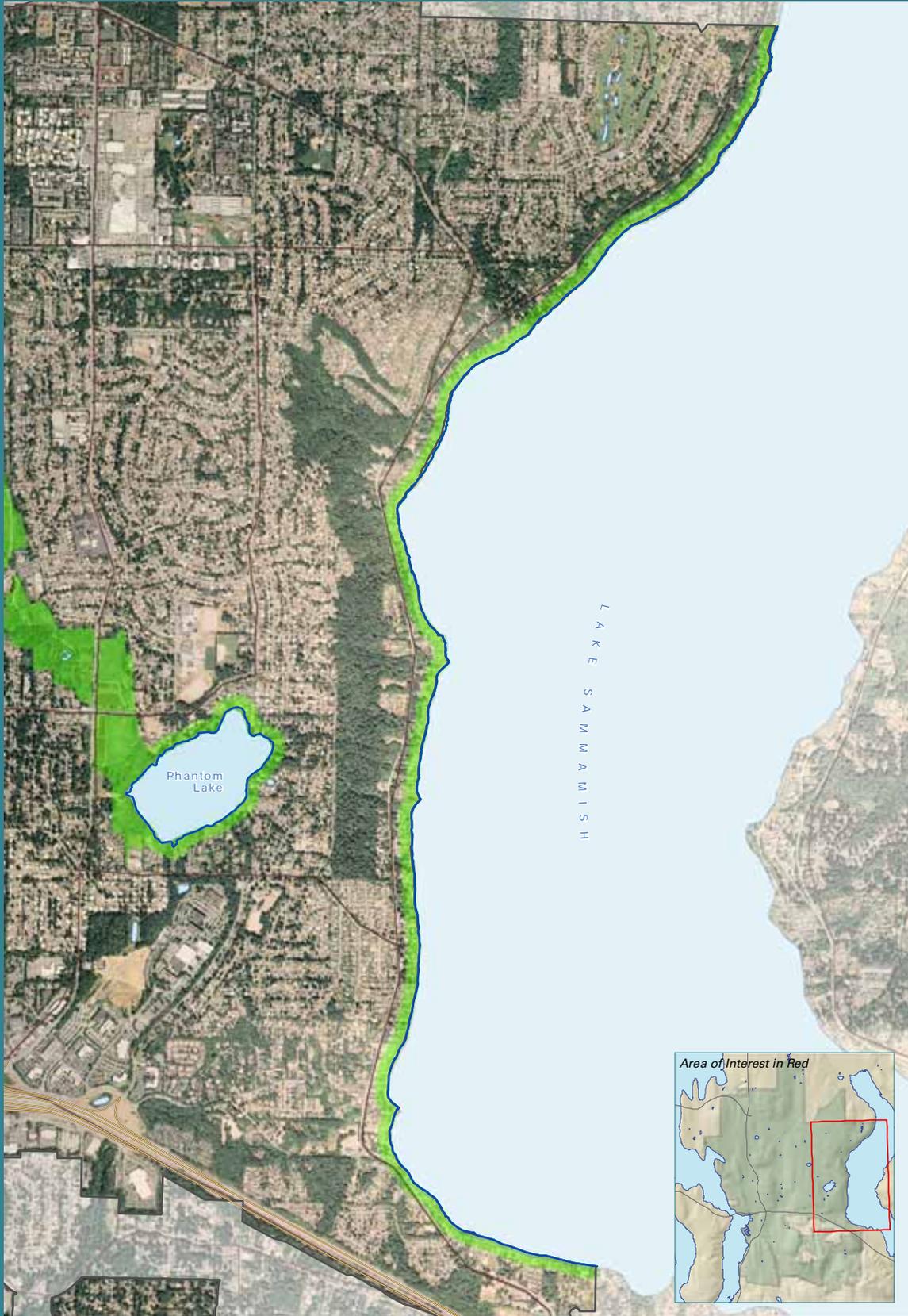
City of Bellevue Shoreline Master Program

January 15, 2008
Data: The Watershed Company, USDA NAIP, City of Bellevue



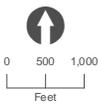
- Minimum Shoreline Jurisdiction
- Ordinary High Water Mark
- Lakes
- City Boundary
- Highways
- Major Streets

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Proposed Minimum Shoreline Jurisdiction / Lake Sammamish

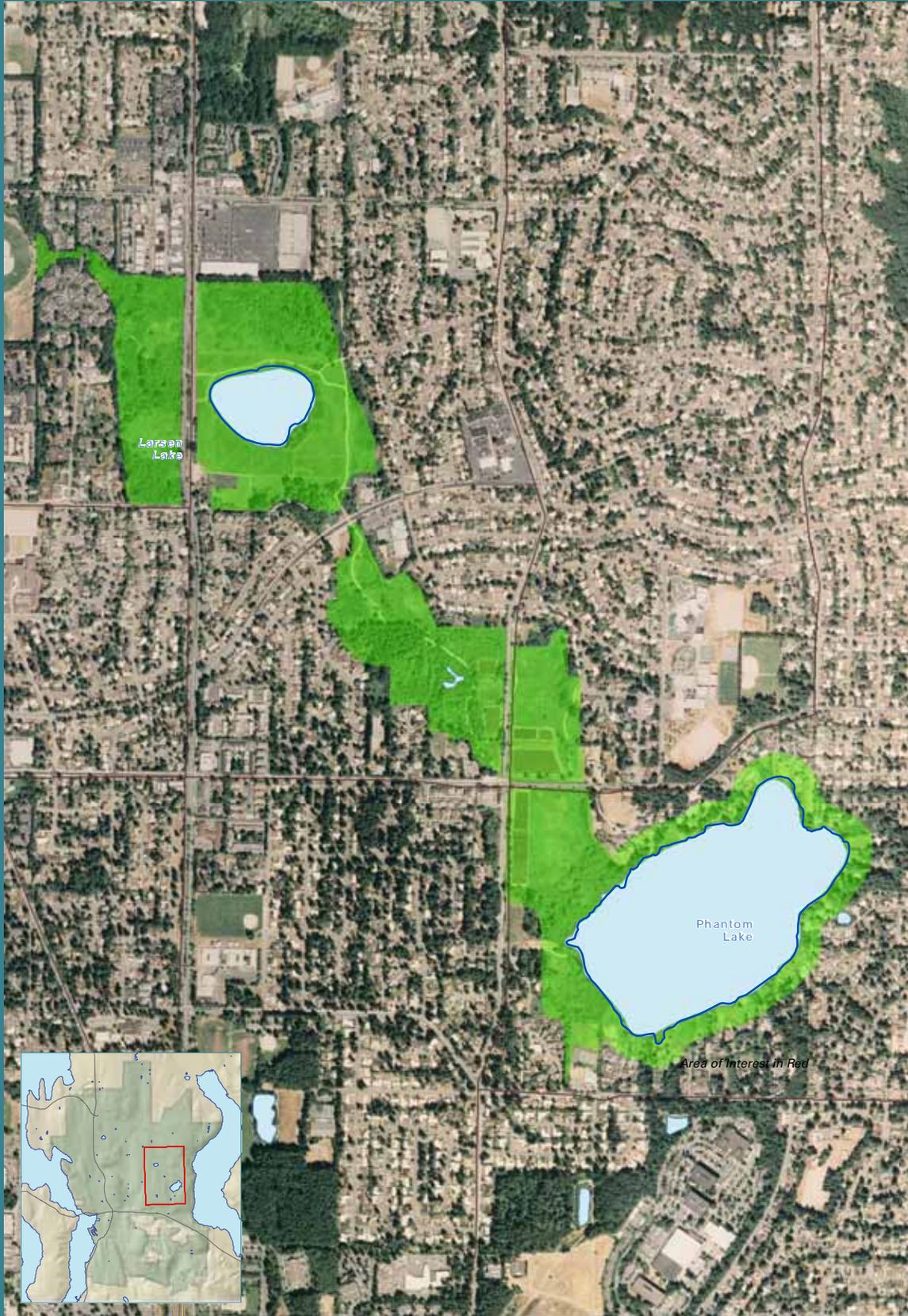
City of Bellevue Shoreline Master Program



January 15, 2008
 Data: The Watershed Company, USDA NAIP,
 City of Bellevue

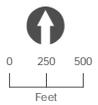
- Minimum Shoreline Jurisdiction
- Ordinary High Water Mark
- City Boundary
- Lakes
- Highways
- Major Streets

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Proposed Minimum Shoreline Jurisdiction / Phantom Lake

City of Bellevue Shoreline Master Program



January 15, 2008
 Data: The Watershed Company, USDA NAIP, City of Bellevue

- Minimum Shoreline Jurisdiction
- Ordinary High Water Mark
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