Shoreline Master Program Element

Goals:

1. To prevent the inherent harm in uncoordinated and piecemeal development of the city's shorelines.
2. To protect, preserve, and enhance the ecology, environment, and amenities of the city's shorelines for use and enjoyment of present and future generations by limiting, insofar as practical, any resultant damage to the ecology and environment of the shoreline area.
3. To protect the public's opportunity to enjoy optimal access to the physical and aesthetic qualities of the shoreline consistent with the overall best interest of the city and the state.
4. To increase and encourage water-enjoyment recreation for the public on the city's shorelines when appropriate and consistent with the public interest.
5. To give preference to uses which are consistent with control of pollution and prevention of damage to the nature environment, or are unique to or dependent upon use of the shoreline.
6. To give priority to single family residences.
7. To give priority to non-single-family uses such as water-dependent recreational development, and other development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state.
8. To discourage new or expanded commercial uses and activities on the city's shorelines except where those commercial uses or activities are associated with water-dependent uses.

Comment [ch1]: Legislative intent language from RCW 90.58.020.

Comment [ch2]: Modeled after current Shoreline Management Program Element of the Comprehensive Plan Goal 1 and 3. Legislative intent language from RCW 90.58.020.

Comment [ch3]: Modeled after the current Shoreline Management Program Element of the Comprehensive Plan Goal 2 and 4. Legislative intent language from RCW 90.58.020.

Comment [ch4]: Modeled after the current Shoreline Management Program Element of the Comprehensive Plan Goal 5. Legislative intent language from RCW 90.58.020.

Comment [ch5]: Legislative intent language from RCW 90.58.020.

Comment [ch6]: Current Shoreline Management Program Element of the Comprehensive Plan Goal 6. Legislative intent language from RCW 90.58.020.

Comment [ch7]: Current Shoreline Management Program Element of the Comprehensive Plan Goal 7. Legislative intent language from RCW 90.58.020.

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OVERVIEW

In response to a citizen initiative, Washington's Shoreline Management Act (SMA) was adopted by the Legislature in 1971 and accepted by the public in a 1972 referendum. The SMA was a reaction to what was perceived to be uncoordinated and piecemeal development of the state's shorelines occurring without sufficient concern for the resource.

The SMA elaborated three broad areas of policy: environmental protection, preferred shoreline use, and public trust. Key objectives are to protect and restore the valuable natural resources that shorelines represent, to plan for and foster all "reasonable and appropriate uses" that are dependent upon a waterfront location, and to increase recreational opportunities for public enjoyment of the shoreline. As a consequence, the SMA established a priority of uses that emphasized statewide over local interest, preservation of natural character over development,

and long-term benefit over short-term gain, while seeking protection for the ecological functions of the shoreline.

Implementation responsibility for SMA was placed with local jurisdictions through a planning and regulatory program administered under State guidance and oversight. This cooperative implementation model 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. Local government actions are monitored by the Washington Department of Ecology (Ecology), which approves new or amended shoreline master programs, reviews substantial development permits, and approves shoreline conditional use permits and variances.

After the SMA's passage, Ecology adopted administrative rules to serve as a standard for the implementation of the SMA and to provide direction to local governments and Ecology in preparing shoreline master programs. Two hundred forty-seven cities and all 39 counties have prepared SMPs based on this original guidance. Local master programs combine both plans and regulations. The plans comprise a vision of how shoreline areas will be used and developed over time. Regulations are the standards that shoreline projects and uses must meet.
New guidelines for local shoreline master programs were adopted in 2003, and jurisdictions were given a time table for compliance with the new guidelines. Later, legislation extended the time period for completing the required update and added state funding to support the compliance effort.

The net effect of the new guidelines is to focus review and amendment of local master programs on using a process to identify, inventory, and ensure meaningful understanding of the ecological functions provided by shorelines within the local jurisdiction. Even more important is a focus on "no net loss" of ecological function necessary to sustain shoreline resources identified in the Shoreline Inventory and Analysis. This translates into a policy of avoidance first, mitigation second. Future cumulative impacts must be considered as well. Moreover, there is recognition in the guidelines that many communities contain degraded shorelines, and that regulatory requirements imposed through the permitting process should be appropriately focused on impact avoidance and mitigation. Consequently master programs must include goals and policies that provide opportunities to support restoration of impaired ecological functions through non-regulatory avenues such as development and implementation of a community shoreline restoration plan.

BELLEVUE'S SHORELINE MASTER PROGRAM (SMP)

Bellevue adopted its first SMP in 1974, and it remained essentially unchanged with only minor amendments after that time. The first SMP was made up of the Comprehensive Plan policies contained in the Shoreline Element and regulations contained in the Shoreline Overlay District Part 20.25E of the Land Use Code.

When a new SMP was required to be adopted consistent with the 2003 guidelines, development of policies and regulations tailored to Bellevue-specific conditions was identified as an important community objective. As a result, policies and regulations were developed:

Comment [ch8]: Response to Planning Commission direction to include narrative regarding Bellevue-appropriate approach to updating the SMP

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- To acknowledge the substantially urbanized condition that was identified during the inventory of Bellevue shorelines;
- To ensure no net loss of existing shoreline functions rather than requiring a return to pre-development conditions;
- To enhance neighborhood livability by focusing on preservation of natural features and the creation of places and neighborhoods that people enjoy;
- To facilitate stewardship efforts that start with the shoreline property owners, and to recognize that effective stewardship of shoreline resources requires partnership with all Bellevue residents and the City of Bellevue departments responsible for managing public lands and programs;
- To foster reinvestment that maintains existing shoreline ecological functions through adoption of a user friendly and predictable regulatory framework that is flexible, and requires a minimum of technical expertise;
- To recognize that resource management practices undertaken by city departments provide an environmental foundation for allowing increased regulatory flexibility for private shoreline property owners;
- To affirm that SMP goals are not achievable through regulations alone, and that regulatory changes should be pursued only to the extent that such changes are consistent with constitutional and other legal limitations on the regulation of private property rights;
- To provide an SMP that is tailored to unique characteristics of land designated as shoreline jurisdiction in Bellevue; and
- To provide guidance and opportunities for public and private entities to voluntarily fund and implement restoration projects to improve degraded conditions.

The new Bellevue SMP was updated through an inclusive update process that sought to capture the community's vision for shoreline use and development by obtaining the input of a wide range of stakeholders from across the city. This SMP consists of new policies that are contained in the Shoreline Element to the Comprehensive Plan, new regulations that are contained in the Shoreline Overlay District Part 20.25E and the Critical Areas Overlay District Part 20.25H of the Land Use Code, shoreline environment designation and jurisdiction maps, a shoreline inventory and characterization, and a shoreline restoration element. These parts together represent a Bellevue-appropriate response to the state mandate to adopt a new SMP consistent with the 2003 guidelines.

SHORELINE AREA

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

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> portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet there from… 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 flow of 1,000 CFS 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 original shoreline management area included the shorelines along Lake Washington, Lake Sammamish, lower Kelsey Creek, Mercer Slough, Phantom Lake, and their associated wetlands. This shoreline management area has been adjusted 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 mean annual flow volumes. Jurisdictional areas based on analysis conducted as part of the Shoreline Update include:

- Lake Washington
- Lake Sammamish
- Lower Kelsey Creek
- Mercer Slough
- 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

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**

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SHORELINE PLANNING POLICIES

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. Shoreline policies establish broad shoreline management goals that direct or authorize a course of action or specify principles to guide regulatory or non-regulatory actions. The policies serve as the basis for regulations that govern use and development along the shoreline. Regulations are more specific standards that are used in the evaluation of shoreline development proposals. The City of Bellevue must evaluate development applications in light of these policies and may approve a permit or issue a letter of exemption only after determining that the development conforms to the intent of the policies in the Shoreline Master Program. Policies also function to help in directing or prioritizing spending on facilities and services within the shorelines of the state. And finally, policies may function to guide decision-makers when considering regional issues such as transportation, resource management, and environmental protection.

ORGANIZATION

The balance of this Shoreline Element of the Comprehensive Plan is devoted to the City's overall shoreline management policies, and builds on the Shoreline Management Goals described at the beginning of this Element.

The first section includes policies that govern how shoreline areas are given an environment designation. This section also includes specific management direction for each environment designation.

This shoreline environment designation policies are followed by policies focused on the status of shorelines deemed significant from a state-wide perspective. The shoreline uses noted here come from the Shoreline Management Act and are ranked in order of preference thereby ensuring the priority of statewide interest over local interest.

The next section contains general shoreline policies applicable to all shoreline uses, activities, and development, regardless of shoreline environment designation or use that may occur along the shoreline. The intent of these provisions is to be inclusive, making them applicable over a wide range of environments as well as for particular uses and activities.

Specific shoreline use policies follow general shoreline policies section with a focus on policies that apply to common uses and development to the extent they occur within shoreline jurisdiction.

The last section is devoted to policies concerning alterations and modifications of the shoreline. Shoreline modifications are generally related to construction of a physical element such as shoreline stabilization measure, pier, or breakwater. 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

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undertaken in support of or in preparation for a shoreline use such as a new dock or shoreline stabilization measure built in support of an allowed use.

SHORELINE ENVIRONMENT DESIGNATION POLICIES

Comment [ch9]: WAC 173-26-211

Introduction

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 shorelines 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 environment 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.

Shoreline Environment Designation Maps

The Shoreline Environment Designation Maps can be found in Appendix A. 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.

AQUATIC ENVIRONMENT DESIGNATION

Comment [j10]: WAC 173-26-211(5)(c)(i)and (iii)

Purpose of the Aquatic Environment Designation

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

Aquatic Environment Designation Criteria

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

Aquatic Environment Designation Management Policies

SH-1. Allow compatible water-dependent uses and development when associated with permitted upland uses and in accordance with applicable policies and regulations.

Comment [DB11]: Bellevue specific approach and WAC 173-26-211(5)(c)(ii)

SH-2. Prohibit new over-water uses and development except for water-dependent uses, piers and docks accessory to single-family residences, public access, or ecological restoration.

Comment [DB12]: WAC 173-26-211(5)(c)(ii)

SH-3. Locate and design uses and development to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife and material necessary to create or sustain their habitat, particularly those species dependent on migration.

Comment [DB13]: WAC 173-26-211(5)(c)(ii)

URBAN CONSERVANCY- OPEN SPACE ENVIRONMENT DESIGNATION

Comment [j14]: Bellevue specific approach and WAC 173-26-211(4)(c)

Purpose of the Urban Conservancy – Open Space Environment Designation

The purpose of the Urban Conservancy-Open Space environment designation 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 limitations on use and development intensity 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 on land designated as Urban Conservancy. For the UC-OS environment designation, focus is on dispersed, low-intensity recreation, with walking, running, wildlife viewing and scientific education or research being the primary uses. The purpose of this environment designation is furthered by keeping the overall intensity of development low and by husbanding or enhancing the natural character of the area.

Urban Conservancy-Open Space Environment Designation Criteria

An Urban Conservancy Open-Space environment designation will be assigned to shorelands with relatively high levels of existing ecological function and an intensity of development that is generally 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 maintenance and restoration of shoreline ecological functions;
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 there is obvious potential for shoreline ecological restoration; and,
4. Where critical areas or cultural features are present that require heightened restrictions on use and development.

Urban Conservancy-Open Space Environment Designation Management Policies

SH-4. Limit uses 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.

Comment [DB15]: Bellevue specific approach

SH-5. Avoid commercial activities except those that facilitate low-intensity recreational opportunities such as dispersed, non-motorized personal watercraft access, walking, and science education or research.

Comment [DB16]: Bellevue specific approach

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URBAN CONSERVANCY ENVIRONMENT DESIGNATION

Comment [j17]: WAC 173-26-211(5)(e)(i)and (iii)

Purpose of the Urban Conservancy Environment Designation

The purpose of the Urban Conservancy environment designation is to maintain shoreline ecological functions and foster opportunities to restore shoreline ecological functions while allowing compatible uses and development, such as public and private access to the shoreline. The primary management goal for the UC environment designation is to recognize existing recreation resources and focus restoration in areas where benefits to overall ecological functions and processes can be realized while allowing a range of compatible uses. This goal should be furthered by keeping the overall development intensity low and by husbanding or enhancing the natural character of land designated as UC.

Urban Conservancy Environment Designation Criteria

An Urban Conservancy environment designation will be assigned to shorelands with moderate to high levels of existing ecological function for which existing and planned development is compatible with maintenance or restoration of 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 that are compatible with maintenance and restoration of ecological function;
2. Where shoreline ecological functions are more intact than areas designated shoreline residential;
3. Where there is obvious potential for ecological restoration; and,
4. Where critical areas or cultural features are present that require heightened restrictions on development and use.

Urban Conservancy Environment Designation Management Policies

SH-6. Limit uses 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 recreational opportunities.

Comment [DB18]: WAC 173-26-211(5)(e)(ii)

SH-7. Implement public access and public recreation objectives whenever feasible, and permit outright new water-oriented public park development subject to performance standards.

Comment [DB19]: WAC 173-26-211(5)(e)(ii)

SH-8. Permit commercial use and activity enhancing the public's enjoyment of shorelines provided this use and activity occur in a manner that is compatible with protecting ecological functions and processes. New commercial and industrial use, other than that accessory to public or private parks, should be prohibited.

Comment [DB20]: Bellevue specific approach and WAC 173-26-211(5)(e)(ii)

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SHORELINE RESIDENTIAL ENVIRONMENT DESIGNATION

Comment [j21]: WAC 173-26-211(5)(f)(i)and (iii)

Purpose of the Shoreline Residential Environment Designation

The purpose of the Shoreline Residential environment designation is to accommodate single or multifamily residential development and appurtenant structures that are consistent with the Bellevue SMP. An additional purpose is to provide appropriate public access and recreational uses.

Shoreline Residential Environment Designation Criteria

A Shoreline Residential environment designation is assigned to Bellevue shorelands which are predominantly characterized by residential development or are planned for residential development and exhibit moderate to low levels of ecological functions because of historic shoreline modification activities.

Shoreline Residential Environment Designation Management Policies

SH-9. Recognize residential development, appurtenant structures, and water-dependent and water-enjoyment recreation activities as preferred where they are appropriate and can be developed without significant impact to ecological functions identified in the Shoreline Analysis Report or displacement of water-dependent uses.

Comment [DB22]: WAC 173-26-211(5)(f)(i)and (ii)

SHORELINE RESIDENTIAL CANAL ENVIRONMENT DESIGNATION

Comment [j23]: Bellevue specific approach for Newport Shores and WAC 173-26-211(4)(c)

Purpose of the Shoreline Residential Canal Environment Designation

The purpose of the Shoreline Residential Canal environment designation 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 dependent on artificial canals for access to waters of the state for the purpose of navigation. This environment designation 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.

Shoreline Residential Canal Environment Designation Criteria

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

Shoreline Residential Canal Environment Designation Management Policies

SH-10. Recognize residential development, appurtenant structures, and water-dependent and water-enjoyment recreation activities as preferred uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.

Comment [DB24]: Bellevue specific approach

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SH-11. Allow for the maintenance, repair, and replacement of structural bulkheads necessary to preserve the original canal design provided the objective of no net loss of ecological function is satisfied.

Comment [DB25]: Bellevue specific approach

RECREATIONAL BOATING ENVIRONMENT DESIGNATION

Comment [j26]: Bellevue specific approach and WAC 173-26-211(4)(c)

Purpose of the Recreational Boating Environment Designation

The purpose of the Recreational Boating environment designation is to provide a variety of water dependant and water-oriented uses, with primary focus on activities associated with recreation. The RB environment designation should not support heavy commercial or industrial uses, other than those limited commercial activities conducted accessory to a marina use.

Recreational Boating Environment Designation Criteria

A Recreational Boating environment designation is assigned to Bellevue shorelands currently used as marinas (both public and private), yacht clubs, community clubs supporting water-dependent recreational boating uses and associated activities. Additional RB areas may be designated as demand for public and private access to viewing, water-oriented recreation, and recreational boating facilities increases, but an SMP map amendment would be required to accommodate this change.

Comment [dp27]: Added "private" access to RB Designation Criteria as requested by the MBYC.

Recreational Boating Environment Designation Management Policies

SH-12. Recognize the range of conditions and uses that have historically characterized lands designated as Recreational Boating.

Comment [DB28]: Bellevue specific approach

SH-13. Give priority to water-dependent. Do not allow non water-oriented uses except as accessory to marinas, yacht clubs, and community clubs where such uses do not conflict with or limit opportunities for water-oriented uses, or where direct access to the shoreline is not available.

Comment [DB29]: Bellevue specific approach and WAC 173-26-211(5)(d)

SHORELINES OF STATEWIDE SIGNIFICANCE

Comment [DB30]: RCW 90.58 and WAC 173-26-251

The Shoreline Management Act identifies certain shorelines as "shorelines of statewide significance" and raises their status by setting use priorities and by calling for a higher level of effort in implementing these policy goals. The state legislature has declared that the interest of all people shall be paramount in the management of shorelines of statewide significance. In addition, the legislature has established policy goals that govern shorelines of statewide significance. Significantly, these goals are ranked in order of preference thereby ensuring the priority of the first goal over all subsequent goals.

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. Shorelines of statewide significance in Bellevue include lakes Washington and Sammamish and their

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associated shorelands. RCW 90.58.030(2)(f)(iv) and (vi). Mercer Slough's wetlands are associated with Lake Washington and therefore are shorelines of statewide significance.

Shorelines of Statewide Significance Policies

SH-14. Give preference, in the order listed, to uses on shorelines of statewide significance that:

Comment [DB31]: RCW 90.58 and WAC 173-26-251(2)

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

SH-15. Place special emphasis on statewide objectives when developing policies and regulations applicable to shorelines of statewide significance.

Comment [DB32]: WAC 173-26-251(3)(e)

GENERAL SHORELINE POLICIES

Introduction

The general policies outlined in this Shoreline Element are applicable to all uses, activities, and development, regardless of shoreline environment designation or use that may occur along the shoreline. The intent of these provisions is to be inclusive, making them applicable over a wide range of shoreline environments as well as specific uses and activities.

Applicability of General Policies

The following policies apply to all shoreline uses, development, and activities in all areas of shoreline jurisdiction.

General Policies

Objective: Manage existing and proposed development within the Shorelines of the City of Bellevue in accordance with the objectives of the Shoreline Management Act, the City's Comprehensive Plan, and related Land Use and development codes.

SH-16. Avoid, minimize, or mitigate adverse impacts to ecological functions, including water quality and wildlife habitat, associated with the shoreline development by providing regulations, best management practices, and incentives sufficient to ensure no net loss of ecological functions. Require mitigation proportional to any adverse environmental impacts from development or redevelopment in shoreline jurisdiction.

Comment [DB33]: WAC 173-26-201(2)(e)

SH-17. Utilize mitigation sequencing to first avoid, then minimize, and finally mitigate adverse impacts of shoreline development.

Comment [DB34]: WAC 173-26-201(2)(e)

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SH-18. Provide public or community access consistent with the existing character of the shoreline, the scale or type of development, and in full consideration of the impact on ecological functions.

Comment [DB35]: WAC 173-26-221(4)

SH-19. Give preference to water dependent, water-enjoyment, and water-related uses (in that order) when the use, activity, or development preserves shoreline ecological functions and processes or, where necessary, mitigates impacts to water quality, fish and wildlife habitat, and other shoreline functions.

Comment [DB36]: WAC 173-26-201(2)(d)

SH-20. Recognize and protect private property rights consistent with the public interest.

Comment [DB37]: WAC 173-26-186 (5), 173-26-191(2)(a)

SH-21. Ensure that all proposed shoreline development will protect the public's health, safety, and welfare by providing regulations appropriate to the shoreline jurisdiction and consistent with the underlying land use district, land use code and comprehensive plan. Standards should include setbacks, building heights, lot coverage, impervious surface, and other regulatory controls essential to guide future growth and development within the shoreline jurisdiction.

Comment [DB38]: WAC 173-26-211(4) and 173-26-241(2)(a)(ii)

SH-22. Limit the size of new in-water and over-water structures to the minimum necessary to support the structures intended use, and encourage shared use of docks and piers to reduce impact to shoreline ecological functions.

Comment [DB39]: WAC 173-26-211(5)(c) and 173-26-231(3)(b)

SH-23. 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.

Comment [hb40]: Bellevue specific approach

SH-24. Tailor regulatory components of the Bellevue SMP to be responsive to the varied environmental conditions found in Bellevue shoreline jurisdiction (such as artificial canals, lakeshores, and wetlands).

SH-25. Reduce or eliminate regulatory barriers to protecting and enhancing the shoreline functions.

SH-26. Encourage, using incentives such as regulatory flexibility and permit streamlining, the use of low impact development techniques, green building practices, native revegetation, and soft shoreline stabilization.

Comment [DB41]: Bellevue specific approach. Modeled after existing Policy EN-27.

SH-27. Regulate new subdivisions of land within the shoreline to ensure no net loss of ecological functions by requiring ecologically sound design, context sensitive performance standards, and vegetation conservation.

Comment [DB42]: WAC 173-26-211(5)(f)

SH-28. Provide information and expand outreach to shoreline property owners regarding shoreline landscape design and maintenance practices, green shoreline stabilization methods, and other management practices and restoration measures that provide benefits to shoreline functions.

Comment [DB43]: Bellevue specific approach. Modeled after existing Policy EN-9.

SH-29. Prohibit uses not specifically identified in Bellevue's Shoreline Master Program as allowed in shoreline jurisdiction.

Comment [DB44]: Bellevue specific approach

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ARCHAEOLOGICAL AND HISTORIC RESOURCES

Comment [DB45]: WAC 173-26-221(1)

Applicability of Archaeological and Historic Resources Policies

The following provisions apply to archaeological and historic resources that have been recorded at the State Historic Preservation Office, identified by the City of Bellevue, 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.

Archaeological and Historic Resources Policies

SH-30. Protect, restore, and provide access to shoreline areas that have historical, cultural, archeological, ecological, educational, or scientific value.

Comment [DB46]: WAC 173-26-221(1)

SH-31. Ensure that any development proposed adjacent to a historic property is designed and operated to be compatible with continued protection of the historic, cultural, or archeological site.

Comment [DB47]: Bellevue specific approach. Modeled after existing Policy SH-17.

CRITICAL AREAS IN SHORELINE JURISDICTION

Comment [DB48]: WAC 173-26-221(2)

Applicability of Critical Areas Policies

For the purposes of the Bellevue SMP, critical areas in shoreline jurisdiction are regulated in accordance with the provisions of the Bellevue Critical Areas Regulations (Part 20.25H LUC *Critical Areas Overlay District*).

Critical Areas Policies

SH-32. Provide sufficient protection to critical areas located within shorelines of the state to ensure no net loss of ecological functions necessary to sustain shoreline natural resources.

Comment [DB49]: WAC 173-26-221(2)

SH-33. Integrate the full spectrum of planning and regulatory measures, including the comprehensive plan, interlocal watershed plans, local development regulations, and state, tribal and federal programs to protect existing ecological functions and ecosystem-wide processes.

Comment [DB50]: WAC 173-26-221(2)(b)(iii)

FLOOD HAZARD REDUCTION

Comment [DB51]: WAC 173-26-221(3)

Floodplains are land areas adjacent to streams and lakes which are natural storage reservoirs for stormwater. The City of Bellevue participates in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program. This federal program identifies flood hazards, maps the 100-year floodplain for lakes and streams, establishes minimum requirements for local communities' floodplain management regulations and provides low-cost flood insurance for participating communities who meet FEMA's minimum requirements for managing floodplains. Participating communities can receive additional discounts for implementing floodplain measures beyond FEMA's minimum requirements.

The flood hazard reduction policies required in local SMPs, and detailed below, supplement the water resource policies contained in the Environmental Element and the storm and surface water policies contained in the Utilities Element of the Comprehensive Plan.

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Applicability of Flood Hazard Reduction 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 stormwater management and system maintenance programs, or structural measures such as dikes, levees, revetments, floodwalls, channel realignment, and elevation of structures consistent with the National Flood Insurance Program requirements.

Flood Hazard Reduction Policies

SH-34. Prohibit new structures and uses that would displace floodwaters within the floodplain.

Comment [DB52]: WAC 173-26-221(3)

SH-35. Protect floodplains by restricting the subdivision of land that locates buildable area within the floodplain.

Comment [DB53]: WAC 173-26-221(3)

SH-36. Give preference to non-structural flood hazard reduction measures over structural flood hazard reduction.

Comment [DB54]: WAC 173-26-221(3)

SH-37. Encourage reconnection of floodplains by removal of structures associated with existing development located within the floodplain.

Comment [DB55]: WAC 173-26-221(3)

PARKING (ACCESSORY)

Comment [DB56]: WAC 173-26-241(2)(k)

Applicability of Accessory Parking Policies

Parking is the temporary storage of automobiles or other motorized vehicles. Accessory parking is parking in support of an allowed shoreline use. This section does not apply to parking accessory to a single-family residential use.

Accessory Parking Policies

SH-38 Allow accessory parking in the shoreline setback only when required to serve a water-dependent shoreline use, and limit such parking supply to the minimum necessary to support the water-dependent use. Where feasible, accessory parking should be located outside of shoreline jurisdiction.

Comment [DB57]: WAC 173-26-241(3)(k) and modeled after existing Policy SH-41.

SH-39. Prohibit accessory parking waterward of the ordinary high water mark and in shoreline wetlands and wildlife and habitat conservation areas.

Comment [DB58]: WAC 173-26-241(3)(k)

SH-40. Prohibit accessory parking that does not serve a water-dependent shoreline use in shoreline setbacks, except where no technically feasible alternative exists and where Best Management Practices to protect aquatic life can be successfully employed.

Comment [DB59]: WAC 173-26-241(3)(k) and Bellevue specific approach modeled after existing Policy SH-43.

SH-41. Provide for limited loading and unloading to serve marina, yacht club, and community club uses, and manage peak use periods through a parking management plan.

Comment [DB60]: Bellevue specific approach

SH-42. Encourage accessory parking facilities to incorporate natural drainage practices and low-impact materials where technically feasible.

Comment [DB61]: Bellevue specific approach and WAC 173-26-241(2)(k)

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PUBLIC ACCESS

Comment [DB62]: WAC 173-26-221(4)

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 and overlooks, bridges, boat launches, and improved street ends and other similar public access facilities.

Applicability of Public Access Policies

These public access provisions apply to all areas of shoreline jurisdiction unless stated otherwise. This section does not apply to single-family residential development.

Public Access Policies

SH-43. Increase public accessibility to the shoreline by giving priority to uses and activities that increase the ability of the general public to reach, touch, and enjoy the water's edge, to travel on waters of the state, and to view the water and the shoreline from nearby locations.

Comment [DB63]: WAC 173-26-221(4)

SH-44. Design new multi-family, subdivision, commercial and recreational development to protect, preserve and enhance the public's opportunity to enjoy the shoreline and water.

Comment [DB64]: WAC 173-26-241(3)(j) and WAC 173-26-221(4). Modeled after existing Policy SH-26.

SH-45. Acquire, where feasible, additional public access to shorelines. Develop, enhance, and maintain existing public access from existing street right-of-way, including street ends and undeveloped rights-of-way, abutting or near shorelines.

Comment [DB65]: WAC 173-26-221(4) and modeled after existing Policy SH-24.

SH-46. Locate, design and maintain public access to and along the water in a manner that protects and improves shoreline ecological functions and is consistent with public safety and compatible with water dependent uses.

Comment [DB66]: WAC 173-26-221(4)

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.

Applicability of Sign Policies

This section applies to all private and public signs located in the shoreline jurisdiction.

Sign Policies

SH-47. Design and place signs so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses and do not block or otherwise unreasonably interfere with the public's physical or visual access to the water or shorelands.

Comment [DB67]: Bellevue specific approach modeled after existing Policies SH-6 and SH-27 and WAC 173-26-211(5)(d)

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VEGETATION CONSERVATION

Comment [DB68]: WAC 173-26-221(5)

The intent of vegetation conservation is to protect ecological functions and ecosystem-wide processes performed by vegetation along shorelines and to restore ecological functions and processes that are temporarily disturbed or permanently displaced by allowed shoreline modification and development. 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.

In Bellevue, lands designated as aquatic environments, as well as associated shorelines, provide habitat for a wide variety of fish and wildlife species. Healthy environments for aquatic species are inseparably coupled with the ecological integrity of the surrounding terrestrial ecosystems.

Applicability of Vegetation Conservation Policies

This section provides policy direction for the modification, protection, and restoration of vegetation for all uses, development, or activities in the shoreline jurisdiction.

Vegetation Conservation Policies

SH-48. Protect, conserve, enhance and establish native vegetation and trees near the water's edge, and vegetation compatible with native species, through the adoption of appropriate development regulations to support shoreline ecological functions and processes and protect human safety and property.

Comment [DB69]: Modeled after existing Policies EN-44 and EN-49 and WAC 173-26-221(5)

SH-49. Balance vegetation conservation with appropriate recreational use of the shoreline and require mitigation proportional to any adverse environmental impacts associated with vegetation removal.

Comment [DB70]: Bellevue specific approach and WAC 173-26-221(5)

SH-50. Develop vegetation conservation development standards that prioritize the retention of native trees and shrubs and implement shoreline vegetation mitigation proportional to the impact associated with new development or substantial expansion.

Comment [DB71]: Bellevue specific approach and WAC 173-26-221(5)

SH-51. Provide incentives to private property owners to achieve specific vegetation conservation and improvement goals, including retention and enhancement of native vegetation along the shoreline.

Comment [DB72]: Bellevue specific approach and WAC 173-26-221(5)

SH-52. Discourage upland use of fertilizers and pesticides in the shoreline jurisdiction through education.

Comment [DB73]: Bellevue specific approach modeled after existing Policies EN-3 and EN-59 and WAC 173-26-221(5)

Comment [dp74]: Edited to refine policy focus to upland use of fertilizers and pesticides. Edit made in response to comment from MBYC.

SH-XX. Elimination of aquatic noxious and nuisance weeds may be undertaken only when in accordance with Department Of Ecology regulations listed under RCW 90.48.445 (or hereafter amended) or issued NPDES permits. ~~, and suggest alternatives such as use of Department of Ecology approved herbicides to control aquatic weeds when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of aquatic weeds and removal cannot be effectively accomplished by mechanical, cultural, or biological means.~~

Comment [dp75]: Added policy language to place the authority to regulate aquatic herbicide and chemical weed treatment for aquatic weeds with the Department of Ecology. Edit made in response to comment from MBYC.

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WATER QUALITY (INCLUDING STORMWATER AND NON-POINT POLLUTION)

Comment [DB76]: WAC 173-26-221(6)

The intent of this section is to protect the public health, vegetation and wildlife, and aquatic life by preventing adverse impacts to shoreline ecological processes and functions, aquatic habitats, and water dependent uses.

Applicability of Water Quality Policies

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

Water Quality Policies

SH-53. Continue to develop and update citywide surface water quality programs and regulations as needed to meet federal and state requirements to reduce the discharge of pollutants in order to prevent further degradation of water quality and impacts to shoreline ecological processes and functions.

Comment [DB77]: Bellevue specific approach and WAC 173-26-221(6)

SH-54. Work with public health agencies to require repair or replacement of failing onsite septic systems within the shoreline area and require direct connection to the city's sewer system in accordance with the City's wastewater development regulations.

Comment [DB78]: Bellevue specific approach and WAC 173-26-221(6)

SH-55. Encourage, natural drainage practices and associated low impact development techniques, where technically feasible, to minimize impervious surfaces, reduce surface water runoff, and prevent water quality degradation.

Comment [DB79]: Bellevue specific approach modeled after EN-27 and WAC 173-26-221(6)

SH-56. Identify illicit discharges to the storm system and surface waters and require actions necessary to eliminate these illicit discharges and protect water quality.

Comment [DB80]: Bellevue specific approach modeled after existing Policy EN-34 and 35, and WAC 173-26-221(6)

SH-57. Encourage collaboration between local, regional, state and tribal entities and the community regarding watershed management issues that impact water quality.

SH-58. Encourage the stabilization of highly erosive stream channels to diminish uncontrolled sediment releases into the shoreline aquatic environment.

SPECIFIC SHORELINE USE POLICIES

Introduction

This section includes policies that apply specifically to common uses and development to the extent they occur within shoreline jurisdiction.

RECREATION USE

Comment [DB81]: WAC 173-26-211(5)(d) and (e), 173-26-221(4) and 173-26-241(3)(c) and (i)

Recreation uses include public and private water-oriented recreation uses such as parks, marinas, yacht clubs, community clubs, and other boating-related facilities.

Applicability of Recreation Use Policies

This section applies to recreation activities located within the shoreline jurisdiction.

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Recreation Use Policies

Objective: Manage recreation uses in the shoreline jurisdiction in accordance with the Shoreline Management Act.

SH-59. Restrict recreational development to water-oriented uses. Allow limited non-water-oriented recreation and commercial uses in support of a water-oriented recreation.

Comment [DB82]: WAC 173-26-211(5)(d) and (e) and WAC 173-26-241(3)(i)

SH-60. Provide appropriate public engagement processes when developing and managing public shorelines, including city parks, to achieve a balance of public access to the water, public recreation, and protection and enhancement of ecological functions.

Comment [hb83]: Bellevue specific approach

SH-61. Protect the aesthetic qualities of the shoreline and abutting neighborhoods through implementation of performance standards, architectural design guidelines for water-oriented commercial uses, vegetation conservation, and appropriate standards for public access.

Comment [DB84]: WAC 173-26-211(5)(d)and (e), 173-26-241(3)(c)

SH-62. Locate new recreation facilities at sites with suitable environmental conditions, shoreline configuration, and access while ensuring compatibility with other in-water recreational activities and neighboring upland uses.

Comment [DB85]: WAC 173-26-211(5)(d) and (e), 173-26-221(4) and 173-26-241(3)(c) and (i)

SH-63. Encourage existing recreation facilities to provide non-motorized boat launching facilities. Require new recreation facilities to provide public non-motorized boat launching facilities where feasible.

Comment [DB86]: Bellevue specific approach and 173-26-221(4)

RESIDENTIAL USE

Comment [DB87]: WAC 173-26-211(5)(f) and 173-26-241(3)(j)

Residential use means one or more buildings, one of which is a primary residence designed for and used to provide a place of residence, together with appurtenant 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.

Applicability of Residential Use Policies

These policies apply to residential use, including appurtenant structures, in the shoreline jurisdiction.

Residential Use Policies

Objective: To manage residential use as a preferred use within Bellevue's shoreline jurisdiction in a manner consistent with the Shoreline Management Act.

SH-64. Encourage development designed to minimize site alteration, impervious surface, and vegetation removal.

Comment [DB88]: WAC 173-26-211(5)(f), 173-26-241(3)(j) and 173-26-221(5)

SH-65. Ensure new residential development is sufficiently removed from the top of steep slopes, shorelines vulnerable to erosion, or floodplains so as not to require new structural shoreline stabilization or structural flood protection during the life of the development or use.

Comment [DB89]: WAC 173-26-241(3)(j)

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SH-66. Provide for limited building footprint expansion options for existing single family structures within 50 feet of the ordinary high water mark only in a manner that does not degrade shoreline ecological functions.

SH-67. Prohibit new over-water residences, including floating homes.

Comment [DB90]: WAC 173-26-241(3)(j)

SH-68. Balance vegetation management and protection of shoreline ecological functions with use of the shoreline for water-dependent recreation and enjoyment.

Comment [DB91]: Bellevue specific approach and WAC 173-26-211(5)(f) and 173-26-241(3)(j)

SH-69. Provide flexibility in site design through use of defined mitigation options.

Comment [DB92]: Bellevue specific approach

SH-70. Limit location of appurtenant development that does not require a shoreline location to an area outside of the shoreline setback except where no technically feasible alternative exists and adequate BMPs can be implemented to protect aquatic life.

Comment [DB93]: Bellevue specific approach and WAC 173-26-211(5)(f) and 173-26-241(3)(j)

SH-71. Encourage the use of natural drainage practices and low-impact materials.

Comment [DB94]: Bellevue specific approach

RESOURCE USES

Comment [DB95]: WAC 173-26-241(3)(a)(b)(h)

Resource uses include agriculture, aquaculture, native plant nurseries, and mining activities.

Applicability of Resource Use Policies

This section applies to resource activities located within the shoreline jurisdiction.

Resource Use Policies

Objective: Manage resource uses in the shoreline jurisdiction in accordance with the Shoreline Management Act.

SH-72. Prohibit high intensity non-water-oriented resource extraction uses or other high intensity resource uses where impact to shoreline ecological functions is probable.

Comment [hb96]: Bellevue specific approach

SH-73. Allow continued operation and maintenance of existing agricultural uses provided best management practices identified in the City of Bellevue Environmental Best Management Practices & Design Standards Manual are utilized, fertilizers and pesticides known to be harmful to salmonids are proscribed, and herbicides approved by the Department of Ecology are used only where native plant communities and associated habitats are threatened and removal cannot be effectively accomplished by mechanical, cultural, or biological means.

Comment [DB97]: Bellevue specific approach and WAC 173-26-241(3)(a)

SH-74. Expansion of existing agricultural uses is prohibited.

SH-75. Permit aquaculture uses through the shoreline conditional use process when sponsored or cosponsored by a public agency or federally recognized tribe developed as part of a fish recovery or similar restoration program, and provided that operations are conducted in a manner that mitigates impacts to the shoreline aquatic environment.

Comment [DB98]: WAC 173-26-241(3)(b)

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SERVICE USES

Service uses include commercial, professional, or health care related offices, schools and universities, automotive and industrial facilities.

Applicability of Service Use Policies

This section applies to service activities located within the shoreline jurisdiction.

Service Use Policies

Objective: Manage service uses in the shoreline jurisdiction in accordance with the Shoreline Management Act.

SH-76. Allow limited non-water-oriented service uses in support of water-oriented primary uses.

Comment [DB99]: WAC 173-26-211(5)(d) and (e) and 173-26-241(3)(c)

SH-77. Allow legally-established office development to be maintained without provision for expansion beyond intensity conveyed by the original approval. Discourage redevelopment of existing stand-alone office development unless part of mixed-use development that includes shoreline restoration, reduction in impact to shoreline resources, and the inclusion of water-oriented uses.

Comment [DB100]: Bellevue specific approach for Belfield Office Park. Modeled after existing Policies SH-9 and SH-38

TRANSPORTATION USES

Comment [DB101]: WAC 173-26-241(3)(k)

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, regional light rail facilities, and other transportation related facilities. Transportation uses do not include private driveways.

Applicability of Transportation Use Policies

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

Transportation Use Policies

Objective: Manage transportation uses in the shoreline jurisdiction in accordance with the Shoreline Management Act.

SH-78. Use existing transportation corridors to meet increased transportation infrastructure needs. Where no technically feasible alternative exists, new corridors may be allowed when adverse impacts to ecological functions, in both the long and short term, can be adequately mitigated. When new corridors are necessary, priority shall be given to protecting the shoreline or aquatic resource over the adjacent upland.

Comment [DB102]: WAC 173-26-241(3)(k)

SH-79. Maximize opportunities to improve existing shoreline functions and utilize the latest technological innovations when designing and building new transportation facilities within the shoreline. Site transportation facilities to avoid, minimize, or mitigate impacts to existing land uses, public shoreline views, public access, shoreline critical areas, and lands designated as shoreline aquatic.

Comment [DB103]: WAC 173-26-221(4) and 173-26-241(3)(k)

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SH-80. Incorporate best management practices into roadway maintenance activities to protect shoreline and aquatic resources and regularly review and update practices to ensure best available practices meet or exceed accepted industry standards.

Comment [DB104]: Bellevue specific approach

UTILITY USES

Comment [DB105]: WAC 173-26-241(3)(l)

Utilities uses include services and facilities that produce, convey, store, or process power, gas, sewage, potable water, storm water, communications, oil, waste, and the like.

Applicability of Utilities Use Policies

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

Utility Use Policies

Objective: Manage utility uses in the shoreline jurisdiction in accordance with the Shoreline Management Act.

SH-81. Discourage new utility facilities (including underwater pipelines and cables) in the shoreline area and prohibit new utility facilities in the shoreline setback, shoreline wetlands and lands designated as shoreline aquatic except where there is no technically feasible alternative, and where impacts to ecological functions, in both the long-and-short-term, can be adequately mitigated. Priority shall be given to protecting the aquatic resource over the adjacent upland.

Comment [DB106]: WAC 173-26-241(3)(l)

SH-82. Encourage consolidation of new utilities within existing rights-of-way or existing utility easements and design and locate new utility facilities to minimize impacts to lands designated as shoreline aquatic, native vegetation, protect scenic shoreline views, and minimize conflicts with present and planned shoreline uses.

Comment [DB107]: WAC 173-26-241(3)(l)

SH-83. Discourage new in-stream facilities except as needed to protect ecological functions and downstream properties from flooding and excessive sedimentation. Maintenance and repair of existing in-stream structures should be allowed if the repair does not materially expand the capacity or the use of the structure unless it can be satisfactorily demonstrated that the facility provides an increase in ecological functions beyond what is required by mitigation requirements.

Comment [DB108]: WAC 173-26-241(3)(g)

SH-84. Allow the replacement of existing utility facilities in the shoreline area, where impacts to ecological functions, in both the long-and-short-term, can be adequately mitigated.

Comment [DB109]: Bellevue specific approach and WAC 173-26-241(3)(l)

SH-85. Incorporate best management practices into utility maintenance activities to protect shoreline and aquatic resources and regularly review and update practices to ensure best available practices meet or exceed accepted industry standards.

Comment [DB110]: Bellevue specific approach

SH-86. Encourage collaboration between local, regional, state and tribal entities and the community regarding watershed management issues that impact lake levels.

WHOLESALE AND RETAIL USES

Comment [DB111]: WAC 173-26-211(5) and 173-26-241(3)(d)

Wholesale and Retail Uses include the sale of goods, products, or commodities directly to or for resale to consumers.

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Applicability of Wholesale and Retail Use Policies

This section applies to wholesale and retail activities located within the shoreline jurisdiction.

Wholesale and Retail Use Policies

Objective: Regulate wholesale and retail activities in the shoreline jurisdiction in accordance with the Shoreline Management Act.

SH-87. Allow limited non-water-oriented wholesale and retail uses in support of water-oriented primary uses.

Comment [DB112]: WAC 173-26-211(5) and 173-26-241(3)(d)

SHORELINE MODIFICATION POLICIES

Introduction

Shoreline modifications are structures or actions taken in shoreline jurisdiction that 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 a preferred upland use.

These policies are intended to address 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 policies pertaining to each type of modification apply.

General Shoreline Modification Policies

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.

Applicability of General Shoreline Modification Policies

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

General Shoreline Modification Policies

SH-88. Allow shoreline modifications only when in support of a new permitted, or existing legally established, structure or use.

Comment [DB113]: WAC 173-26-231(2) and modeled after existing Policies SH-7 and EN-56.

SH-89. Design and construct shoreline modifications to emulate natural processes so as to support shoreline functions to the greatest extent feasible.

Comment [DB114]: WAC 173-26-231(2) Modeled after existing Policy SH-48.

SH-90. Where permitted, design and construct shoreline modifications to avoid, minimize, or mitigate adverse impacts of their installation and long-term operation so as to ensure no net loss of shoreline ecological processes and functions.

Comment [DB115]: WAC 173-26-201(2)(e) and 173-26-231(2)

BREAKWATERS, JETTIES, AND GROINS

Comment [DB116]: WAC 173-26-231(3)(d)

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 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.

Applicability of Breakwater, Jetty, and Groin Policies

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

Breakwater, Jetty, and Groin Policies

SH-91. Prohibit the construction and placement of new jetties and groins. Encourage the removal of these features when the use for which they were constructed is discontinued or modified or when adverse impact to ecological functions is identified.

Comment [DB117]: WAC 173-26-231(3)(d)

SH-92. Allow the construction of breakwaters to protect existing public and commercial recreational facilities only when there is a demonstrated need and no technically feasible alternative exists.

Comment [DB118]: WAC 173-26-231(3)(d) and modeled after existing Policy SH-49

CLEARING AND GRADING IN SHORELINE JURISDICTION

Comment [DB119]: WAC 173-26-221(5) and 173-26-231

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

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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.

Applicability of Clearing and Grading Policies

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.

Clearing and Grading Policies

SH-93. Regulate and limit to the greatest extent feasible land-disturbing activities within the shoreline jurisdiction to protect the natural topographic, geologic, vegetated, and hydrological features of the landscape and meet federal and state requirements to reduce the discharge of pollutants and protect water quality.

Comment [DB120]: WAC 173-26-221(5) and modeled after existing Policy EN-44.

SH-94. Prevent erosion in the shoreline during and after development through the use of appropriate Best Management Practices on sites where soils, conditions, and activities are prone to erosion by wave action or runoff.

Comment [DB121]: Bellevue specific approach modeled after existing policy EN-55.

SH-95. Promote soil stability and maintain the natural rate of soil permeability through the retention of existing vegetation, preservation of native soils, use of soil amendments and other biotechnical measures that support vegetation establishment.

Comment [DB122]: Bellevue specific approach and WAC 173-26-221(5) and existing Policy EN-44.

DREDGING AND DREDGE DISPOSAL

Comment [DB123]: WAC 173-26-231(3)(f)

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.

Applicability of Dredging and Dredge Disposal Policies

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

Dredging and Dredge Disposal Policies

SH-96. Design and locate new shoreline development to avoid the need for dredging to the maximum extent practical.

Comment [DB124]: WAC 173-26-231(3)(f)

SH-97. Prohibit dredging except where necessary to maintain existing navigational access, existing agricultural activities, water quality and quantity, to implement habitat improvement

Comment [ch125]: Bellevue specific approach and WAC 173-26-231(3)(f)

projects, to comply with federal or state remedial actions, and to protect the public health and safety. The extent and the frequency of allowed dredging shall be the minimum necessary consistent with the purpose of the specific activity and local conditions.

FILL

Comment [DB126]: WAC 173-26-231(3)(c)

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.

Applicability of Fill Policies

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

Fill Policies

SH-98. Limit fill waterward of the ordinary high water mark to that necessary to support environmental restoration and mitigation, public access, and water-dependent uses located on the shoreline where no feasible alternative exists.

Comment [DB127]: WAC 173-26-231(3)(c)

PIERS AND DOCKS

Comment [DB128]: WAC 173-26-231(3)(b)

For the purpose of this section piers and docks include over-water structures used for moorage, and other directly water-dependent uses or development, including docks, piers, boat launches, swimming/diving platforms, public access 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.

Applicability of Pier and Dock Policies

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

Pier and Dock Policies

SH-99. Allow piers, docks, and floats only for water-dependent uses such as access to pleasure craft, emergency vessels, recreation, commercial uses, and public access.

Comment [DB129]: WAC 173-26-231(3)(b)

SH-100. Limit new over-water structures to the minimum necessary to support the structure's intended use in order to minimize aesthetic impacts.

Comment [DB130]: WAC 173-26-231(3)(b)

SH-101. Allow for maintenance, repair, and reconfiguration of legally-established and functional piers and docks.

Comment [DB131]: Bellevue specific approach

SH-102. Design and construct new or expanded piers and their components, such as boatlifts and associated fabric canopies, to prevent or minimize impacts on nearshore ecological functions, including aquatic vegetation and fish and wildlife habitat.

Comment [DB132]: WAC 173-26-231(3)(b)

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SH-103. Permit new pier or dock construction, excluding docks accessory to single-family residences, only when the applicant has demonstrated an identified need exists to support the intended water-dependent use.

Comment [DB133]: WAC 173-26-231(3)(b)

SH-104. Prohibit new or expanded enclosed or walled overwater structures such as boathouses, covered moorage, and residences..

SH-105. Provide context specific dimensional standards for docks and piers on Phantom Lake and in the Shoreline Residential Canal District that respond to the individual characteristics of these areas with respect to size, depth, and recreational moorage requirements.

Comment [DB134]: Bellevue specific approach

SH-106. Restrict new docks and piers in Mercer Slough to those that provide public access and launching of human-powered watercraft.

Comment [DB135]: Bellevue specific approach

SH-107. Allow for maintenance, repair and restoration of City of Bellevue identified historic, public overwater structures.

Comment [DB136]: Bellevue specific approach

SHORELINE RESTORATION

Comment [DB137]: WAC 173-26-201(2)(f) and 173-26-231(3)(g)

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.

Applicability of Shoreline Restoration Policies

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.

Shoreline Restoration Policies

SH-108. Implement the Shoreline Master Program Restoration Plan and promote City-sponsored restoration projects as funding and staffing resources permit. Monitor restoration activities to ensure that the intended functions are restored or enhanced over time.

Comment [DB138]: Bellevue specific approach and WAC 173-26-201(2)(f)

SH-109. Identify the level of funding that is available to implement the City's Restoration Plan in partnership with other watershed management agencies and groups.

Comment [DB139]: Bellevue specific approach and WAC 173-26-201(2)(f)

SH-110. Create detailed restoration templates as example of good practice and to encourage restoration where funding does not permit detailed design studies.

Comment [DB140]: Bellevue specific approach

SH-111. Expand acquisition of shoreline areas that are sensitive to urbanization, represent valuable natural and aesthetic resources to the community, or provide the functions that benefit Bellevue's shoreline jurisdiction.

Comment [DB141]: WAC 173-26-231(3)(g)

SH-112. Permit habitat and natural systems enhancement projects that address legitimate restoration needs and priorities via a streamlined and low cost permit process.

Comment [DB142]: Bellevue specific approach

SHORELINE STABILIZATION

Comment [DB143]: WAC 173-26-231(3)(a)

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Shorelines are often adversely affected by wind and wave action and floodwaters, resulting in erosion of the shoreline. These impacts are natural responses that support shoreline ecological processes and functions, but they also impact human use of shorelines. Property owners have routinely attempted to control these natural processes by constructing stabilization structures.

Shoreline stabilization may be structural or nonstructural. Structural methods occur on a continuum between "hard" and "soft" stabilization measures. Generally, the harder the 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 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, 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 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 range of actions including, but not limited to, vegetation enhancement, beach enhancement, biotechnical means, anchor logs, boulders, and gravel placement positioned to provide stability in a non-linear, sloping arrangement.

Applicability of Shoreline Stabilization Policies

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

Shoreline Stabilization Policies

SH-113. Prohibit new or expanded shoreline stabilization except in support of a legally-established primary structure or use where an analysis of shoreline characteristics dictates the necessity for stabilization.

Comment [DB144]: WAC 173-26-231(3)(a)

SH-114. Give priority to non-structural measures that avoid the need for stabilization, but where stabilization is deemed necessary, give preference to soft shoreline stabilization and allow new hard stabilization only when other stabilization options are demonstrated to be insufficient or infeasible.

Comment [DB145]: WAC 173-26-231(3)(a)

SH-115. Ensure that lots created by new subdivision and short subdivision be developed so as to ensure that shoreline stabilization will not be necessary for reasonable development to occur.

Comment [DB146]: WAC 173-26-231(3)(a) and WAC 173-26-241(3)(j)

SH-116. Utilize performance standards to guide the maintenance and replacement of existing shoreline stabilization so as to ensure replacement structures are designed, located, sized and constructed to ensure no net loss of ecological functions.

Comment [DB147]: Bellevue specific approach and WAC 173-26-231(3)(a)

SH-117 Allow for flexibility in the application of general dimensional standards so as to increase the property owner's ability to implement non-structural stabilization measures.

Comment [DB148]: Bellevue specific approach

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