20.25E.065 Residential Shoreline Regulations

A. Purpose.

This section contains development requirements and standards that apply to all development of residential uses within the Shoreline Overlay District. This section is intended to provide a consolidated approach to regulation of shoreline residential development, uses and activities. This section includes site planning requirements, general residential standards, residential dimensional requirements, shoreline vegetation conservation requirements for residential uses, residential moorage requirements, and residential nonconforming provisions.

B. General Requirements Applicable to all Residential Development.

1. Applicability. All residential use and development located in the Shoreline Overlay District shall comply with the requirements of this section LUC 20.25E.065 and all other applicable provisions of the SMP. Except to the extent expressly stated in this section and as stated in LUC 20.25E.010.C.1.c, Part 20.25E is applied as a supplement to the general development requirements and standards governing site development of property city-wide as set forth in Chapter 20.20 LUC (General Development Requirements). All other applicable City of Bellevue codes, ordinances, and development and engineering standards continue to apply to development and uses in the Shoreline Overlay District. However, Bellevue City Code provisions of general applicability are not part of the SMP unless specifically adopted by reference.

2. Site Planning. New residential development (which includes expansion projects and development of vacant land and tear downs) shall comply with the following design criteria and development standards related to site planning within the Shoreline Overlay District:

   a. Shoreline Stabilization. New residential development should be located and designed to avoid the need for future shoreline stabilization to the extent feasible.

   b. Parking and Driveways. New driveways and garages associated with residential development shall comply with the following applicable standards:

      i. New residential parking shall not be permitted overwater or within the shoreline structure setback.

      ii. New parking surfaces and driveway areas should be designed to incorporate Natural Drainage Practices and Low Impact Development practices where feasible. (For further information regarding city-wide requirements, refer to the Storm and Surface Water Utility Code, Chapter 24.06 BCC, and the Storm and Surface Water Engineering Standards (2011), now or as hereafter amended.)

iii. Construction, maintenance, and repair of parking surfaces and driveways shall prevent surface water runoff from contaminating water bodies by using best management practices. (For further information regarding city-wide requirements, refer to the Bellevue Storm and Surface Water Utility Code, Chapter 24.06 BCC, and the Storm and Surface Water Engineering Design Standards (2011); now or as hereafter amended.)

c. Accessory Utilities. To minimize disturbance in the Shoreline Overlay District, and to reduce the impact on shoreline ecological functions, utilities serving residential development shall be consolidated when reasonable within existing or proposed roadway and driveway corridors that provide access to the development. Consolidation of utilities within the roadway and driveway corridor is not reasonable when consolidation will not achieve the intended function of the utility, or the cost of avoiding disturbance is substantially disproportionate when compared to the environmental impact of proposed disturbance. Septic systems may be removed upon connection to sanitary sewer, provided that all areas of temporary disturbance are restored to a condition equivalent to that which existed prior to undertaking the removal activity. Mitigation credits can be earned pursuant to the provisions of LUC 20.25E.065.F.8 for vegetation enhancements that will improve the pre-existing condition after the removal activity is completed.

d. Clearing and Grading.

i. All clearing, grading, excavating, and filling in the Shoreline Overlay District shall comply with the provisions of this paragraph B.2.d.(For further information regarding city-wide requirements, refer to Chapter 24.06 BCC (Storm and Surface Water Utility Code), Chapter 23.76 BCC (Clearing and Grading Code), and the City's engineering and clearing and grading development standards, now or as hereafter amended.)

ii. Minimum Necessary. Clearing, grading, excavation, and filling is permitted only in association with an approved residential use or development and shall be the minimum necessary to support the approved residential use or development. Filling to create dry land is prohibited.

e. Critical Areas. Critical areas in the Shoreline Overlay District shall be regulated pursuant to Part 20.25H LUC, Critical Areas Overlay District (as set forth in Ordinance No. [INSERT Critical Areas Conformance Ordinance Number and date] which is incorporated by this reference into the SMP). In the event of a conflict between Part 20.25H LUC and the SMP, the provision providing the greatest protection to critical areas shall apply, consistent with LUC 20.25E.010.C.1.b.ii unless otherwise described in the applicable provision. If critical areas are located on the site, the requirements for the associated critical area buffer and buffer setback may impose a larger setback requirement than required under this section.

f. Water Quality, Stormwater, Non-Point Source Pollution.

i. Purpose. Single family residences are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. The purpose of this paragraph is to prevent impacts to water quality and quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities or recreational opportunities. The responsibility for water quality and control of stormwater and non-point source pollution is a city-wide obligation that is not borne entirely by property owners of land located within the Shoreline Overlay District.

ii. Applicability. All shoreline residential development and uses shall comply with applicable provisions of this paragraph. (For further information regarding city-wide requirements, refer to Chapter 24.06 BCC (Storm and Surface Water Utility Code), the Storm and Surface Water Engineering Design Standards (2011), Chapter 23.76 BCC (Clearing and Grading Code), and the Clearing and Grading Development Standards; now or as hereafter amended).

iii. Construction Materials. All structures that may come in contact with water shall be constructed of materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality, aquatic plants, or animals. Materials used for decking or other structural components shall be approved by the Environmental Protection Agency for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenic, or pentachlorophenol is prohibited in or above shoreline water bodies. Preservative and surface treatments are limited to products approved for use in aquatic environments, and must be applied according to label directions. Construction hardware that comes into contact with water either directly or through precipitation that causes discharges either directly or indirectly into surface waters shall not be susceptible to dissolution by corrosion. Materials used for construction of moorage facilities shall conform to the provisions of paragraphs LUC 20.25E.065.H.3.a.

iv. The use of cold tar sealants that contain Polycyclic Aromatic Hydrocarbons is prohibited.

C. Dimensional Requirements for Shoreline Residential and Shoreline Residential Canal Environments.

1. Applicability. This paragraph C applies to all new residential uses and residential uses that are proposed for modification and located in the Shoreline Residential and Shoreline Residential Canal environments. Additionally, the general development requirements and standards governing site development of property city-wide, contained in Chapter 20.20 LUC apply.

2. Shoreline Dimensional Requirements for Residential Uses. Land Use Code Chart 20.25E.065.C.2 sets forth shoreline dimensional requirements for residential uses located in the Shoreline Residential and Shoreline Residential Canal environments. Each residential structure, development, or use in the shoreline shall comply with these requirements, except as otherwise provided in this section. If a number appears in a box, the dimensional requirement is subject to the provision indicated in the corresponding Note. In the event of a conflict between the dimensional requirements of this section and the requirements of LUC Chart 20.20.010 when applied in the Shoreline Overlay District, the provisions of this section shall apply.

Chart 20.25E.065.C.2 Shoreline Dimensional Requirements for Residential Uses

	Shoreline Dimensional Requirements for Residential Uses					
SHORELINE ENVIRONMENTS	**Shoreline Structure Setback (6)(7)**	**Maximum Shoreline Lot Coverage by Structures (percent)**	**Maximum Shoreline Building Height (1)(3)**	**Maximum Impervious Surface Total 0 – 200 feet from OHWM (percent) (8)**	**Maximum Impervious Surface 0 – 10 feet from OHWM (percent) (8)**	**Maximum Impervious Surface 0 – 50 feet from OHWM (percent) (8)**
Shoreline Residential Canal (SRC)	50’	N/A(2)	35’	50%(4)	15%	50%
Shoreline Residential (SR)	50’ (5)	N/A(2)	35’	50/55/80% (4)	15%	50%

Notes: Shoreline Dimensional Requirements for Residential Uses

(1) Maximum building height may only be modified through the Shoreline Variance process (Refer to LUC 20.25E.190).

(2) General Land Use Code provisions apply. The allowed maximum lot coverage by structures in the Shoreline Residential and Shoreline Residential Canal environments located in R-1, R-1.8, R-2.5, R-3.5, R-4 and R-10 through R-30 shall not exceed 35 percent. The allowed maximum lot coverage by structures in the Shoreline Residential environment located in R-5 and R-7 shall not exceed 40 percent. (For further information regarding city-wide requirements applicable to all residential land use districts, refer to LUC Chart 20.20.010 Dimensional Requirements, Residential; now or as hereafter amended).

(3) Building height in the Shoreline Overlay District is measured in accordance with the definition of height as defined in LUC 20.25E.280.

(4) The allowed amount of maximum impervious surface in the Shoreline Residential and Shoreline Residential Canal environments located in R-1, R-1.8, R-2.5, R-3.5 and R-4 shall not exceed 50 percent. The allowed maximum impervious surface established for the Shoreline Residential environment located in R-5 and R-7.5 shall not exceed 55 percent. The allowed maximum lot coverage by structures in the Shoreline Residential environment located in R-10, R-15, R-20 and R-30 shall not exceed 80 percent.

(5) Dimensions allowed pursuant to this chart may not be achievable on properties with critical areas such as flood hazard areas, wetlands, and streams.

(6) The Shoreline Structure Setback is modified to account for encroachments by existing structures under the Footprint Exception of LUC 20.25E.065.E.1.c and may also be reduced to a minimum of 25 feet provided that impacts to existing shoreline vegetation are mitigated pursuant to the Shoreline Vegetation Conservation requirements contained in LUC 20.25E.065.F. A one-time lateral expansion of up to 200 square feet is allowed for existing structures within 25 feet of ordinary high water mark pursuant to the Residential Structure Setback Allowances contained in LUC 20.25E.065.E.2. Further shoreline setback encroachments may only be allowed through approval of a Shoreline Variance (refer to LUC 20.25E.190.

(7) Impacts to existing shoreline vegetation located within 50 feet from OHWM are required to ~~shall~~ be mitigated pursuant to the shoreline vegetation conservation requirements contained in LUC 20.25E.065.F.

(8) Limitation on Requirement to Provide Shoreline Vegetation Mitigation Planting. Fifteen percent impervious surface area, or activity area comprised of mown lawn, bare ground or pervious surfaces, shall be permitted within 0 – 25 feet of OHWM irrespective of whether the mitigation requirements of LUC 20.25E.065.F.8 have been fully met.

D. Residential Impervious Surfaces.

Impervious surfaces in the Shoreline Overlay District shall be regulated pursuant to LUC 20.20.460 (as set forth in the Land Use Code on [INSERT DATE of ordinance adoption]) which is incorporated by this reference into the SMP, except that the maximum impervious surface total 0 – 200 feet contained in LUC Chart 20.25E.065.C.2 may be modified through the Special Shoreline Report Process (refer to LUC 20.25E.160.E). Modifications to the maximum impervious surface 0-10 feet from OHWM and maximum impervious surface 0-50 feet from OHWM may only be allowed through approval of a Shoreline Variance (refer to LUC 20.25E.190).

E. Residential Structure Setback for Shoreline Residential and Shoreline Residential Canal Environments.

1. General Setback Requirements Applicable to all Residential Development.

    a. The Shoreline Structure Setback shall be 50 feet.

    b. Measurement of Shoreline Structure Setback. The shoreline structure setback shall be measured landward from ordinary high water mark on a horizontal plane and to a point that results in the required dimension. On Lake Sammamish, the shoreline structure setback may be measured

landward from elevation 31.2 NAVD 88 on a horizontal plane and to a point that results in the required dimension, or from that point identified in a site-specific ordinary high water mark determination prepared by a qualified professional at the sole direction of the applicant. The fixed elevation shall not be used for the determination of ordinary high water mark required for the purpose of locating a residential moorage (refer to LUC 20.25E.065.H) or shoreline stabilization (refer to LUC 20.25E.065.G). If critical areas are located on the site, the requirements for the associated critical area buffer and buffer setback may impose a larger setback than required under this section.

c. Footprint Exception - Existing Structures. When a legally established structure existing on or before [insert date of ordinance adoption] encroaches into the structure setback established in LUC Chart 20.25E.065.C.2, the structure setback shall be modified to exclude the footprint of that portion of the structure located within the setback.

2. Residential Structure Setback Allowances within 25 feet of OHWM.
   a. Expansion of the exterior footprint of an existing legally established structure within the 25 foot shoreline structure setback is allowed when:
      i. The modification, addition, replacement or related activity does not increase the existing total footprint of the residence and associated impervious surface lying within the shoreline structure setback by more than 200 square feet over that existing before [insert effective date of ordinance]; and
      ii. No portion of the modification, addition or replacement is located closer to the OHWM; and
      iii. Impacts to existing shoreline vegetation are mitigated pursuant to the shoreline vegetation conservation requirements in LUC 20.25E.065.F; and
   b. This allowance may only be used once for the life of the structure.

3. Modification of Setbacks within 25 feet of OHWM. Expansion of the exterior footprint of an existing legally established structure within the 25 foot shoreline structure setback closer to ordinary high water mark, or in excess of the one-time 200 square foot allowance pursuant to LUC 20.25E.065.E.2, may only be allowed through approval of a Shoreline Variance (refer to LUC 20.25E.190).

F. Shoreline Vegetation Conservation.

1. Purpose and Scope.
   a. Purpose. Conservation of significant trees and existing shoreline vegetation as required by this section is imposed to maintain the visual appearance of

the City, to preserve the natural wooded character of the Pacific Northwest, to promote use of natural systems, and to reduce the impacts of development on the storm drainage system, water resources and shoreline ecological functions.

b. Scope. This section provides standards for shoreline vegetation conservation within established Shoreline Vegetation Conservation Areas and areas outside of the Shoreline Vegetation Conservation Area but within the Shoreline Overlay District. The proposed approach to vegetation conservation in the City of Bellevue is designed to ensure a nexus and rough proportionality between impacts and required mitigation. Both impacts and mitigation requirements are calculated based on a change in the type of land cover. The ecological value for each type of land cover is assigned within a range from 0 (no function) to 1 (maximum function). The proposed approach incorporates the following inputs:
    i. Existing level of shoreline ecological functions (value);
    ii. Final level of shoreline ecological functions (value); and
    iii. Area of impact and/or mitigation.

2. Applicability. The requirements of this section apply any time development or activity creates an impact to existing shoreline vegetation as defined in LUC 20.25E.065.F.7. Additional standards may apply for critical areas; refer to Part 20.25H LUC (Critical Areas Overlay District).

3. Required Review. The shoreline vegetation conservation requirements shall be imposed any time a permit, approval, or review is required.

4. Modification of Standards. The vegetation impact and mitigation requirements contained in this section may be modified using the Special Shoreline Report Process (refer to LUC 20.25E.160.E). A Special Shoreline Report is not necessary for the Director to modify the requirements for nonconforming lots or lots with unique sizes and shapes when necessary to ensure mitigation has a nexus and rough proportionality to the proposed impact and is consistent with all relevant constitutional and other legal limitations.

5. Shoreline Vegetation Conservation Area Dimensions. For the Shoreline Residential and Shoreline Residential Canal environments the dimension of the Shoreline Vegetation Conservation Area shall be 50 feet measured landward from ordinary high water mark on a horizontal plane and to a point that results in the required dimension.

6. Retention of Existing Vegetation. Within the Shoreline Vegetation Conservation Area, existing shoreline vegetation may only be removed in compliance with this section.

7. Impacts to Existing Shoreline Vegetation. All development or activity resulting in adverse impacts to existing shoreline vegetative functions shall require mitigation per the applicable standards set forth in LUC 20.25E.065.F.8 of this section. Adverse impacts to existing vegetative functions are defined as follows:

   a. New or Expanded Impervious Surfaces. Placement of any impervious surface within the Shoreline Vegetation Conservation Area, and outside of the footprint of the existing impervious surface that was legally established before [INSERT EFFECTIVE DATE of ordinance]. Placement of impervious surface applies to new, reconfigured, and expanded structures or impervious surfaces allowed pursuant to the requirements of LUC 20.25E.065.C through E. A one-time lateral expansion of an existing impervious surface may be undertaken in that area between 25-50 feet from OHWM without the need for mitigation of non-significant tree impacts under the terms of LUC 20.25E.065.F.7 and 8, so long as the following criteria are met:

      i. The lateral expansion is not located within 25 feet of OHWM; and

      ii. The lateral expansion does not increase the existing total footprint of the residence and/or associated impervious surface lying within the Shoreline Vegetation Conservation Area by more than 200 square feet or five percent (5%), whichever is greater, over that existing before [insert effective date of ordinance]; and

      iii. No portion of the modification, addition or replacement is located closer to the OHWM; and

      iv. Impacts to any significant trees are mitigated pursuant to the terms of LUC 20.25E.065.F.8.c.iii; and

      v. This allowance may only be used once for the lifetime of the existing impervious surfaces.

   b. Shoreline Vegetation Impact. Shoreline vegetation impacts are defined as any of the following:

      i. Removal or alteration of more than 200 square feet of existing shoreline vegetation including non-significant trees, shrubs, or

groundcover in a ~~three~~ five year period within the ~~Shoreline Vegetation Conservation Area, except~~ area between 0-25 feet of OHWM;

ii. Removal or alteration of more than a total of 1,000 square feet of existing shoreline vegetation including non-significant trees, shrubs, or groundcover in a five-year period within the Shoreline Vegetation Conservation Area;

iii. Removal or alteration of less than 1,000 square feet of existing shoreline vegetation including non-significant trees, shrubs, or groundcover in a five-year period within the Shoreline Vegetation Conservation Area if the area of lawn or bare ground increases by more than 200 square feet.

Vegetation removal and alterations are not governed by the square footage limitations set forth in this paragraph when the alteration is part of an approved watershed restoration plan pursuant to LUC 20.25E.170.C.15, a fish or wildlife habitat improvement project pursuant to LUC 20.25E.170.C.16 or a voluntary removal of shoreline stabilization meeting the requirements of LUC 20.25E.080.F.7. Regular landscape maintenance, as described under LUC 20.25E.065.F.11, is not considered a shoreline vegetation impact.

c. Overhanging Vegetation Impact. Removal of existing vegetation within the Shoreline Vegetation Conservation Area that overhangs the shoreline waterbody.

d. Significant Tree Impact. Removal of any significant tree within the Shoreline Vegetation Conservation Area. For further information regarding the definition of significant tree, refer to LUC 20.50.046 now or as hereafter amended.

8. Mitigation for Impacts to Existing Shoreline Vegetation. To ensure no net loss of shoreline ecological functions, mitigation planting shall be designed to have a nexus and rough proportionality to the impacts on ecological functions.

a. Types of Vegetation Mitigation.

i. Shoreline Vegetation Replacement. Shoreline vegetation replacement includes planting of native or non-native vegetation that offsets impacts to existing shoreline vegetation with an equal amount of shoreline vegetation mitigation, as defined in LUC 20.25E.065.F.8.c. Conversion to mown lawn, annual or perennial

garden, weeds, bare ground, and pervious structures do not qualify as shoreline vegetation replacement. Shoreline vegetation replacement shall meet the standards set forth in LUC 20.25E.065.F.8.g.

ii. Shoreline Vegetation Enhancement. Shoreline vegetation enhancement includes improving existing vegetation through native in-fill plantings and/or removal of invasive vegetation such that the resulting vegetation meets the composition, coverage and noxious weed standards for shoreline mitigation planting set forth in LUC 20.25E.065.F.8.g.i, iv, and vi.

iii. Shoreline Vegetation Retention. Shoreline vegetation retention includes maintaining vegetation that already meets the composition, coverage and noxious weed standards for shoreline mitigation planting set forth in LUC 20.25E.065.F.8.g.i, iv, and vi.

iv. Tree Replacement. Tree replacement includes planting of native or non-native tree species that meet the standards in LUC 20.25E.065.F.8.g.i(4).

b. Mitigation Planting Types. The type of mitigation required shall be determined by the location and type of impacts to existing shoreline vegetation (defined in LUC 20.25E.065.F.7), as follows:

Chart 20.25E.065.F.8.b Shoreline Vegetation Mitigation Planting Types

Location of Impact	Type of Impact	Mitigation Planting Type Required
0-25 feet from OHWM	• New or Expanded Impervious Surfaces • Native Vegetation Impact • Overhanging Vegetation Impact	Shoreline vegetation replacement, enhancement, retention, or a combination thereof, 0-25 feet from OHWM
0-25 feet from OHWM	Significant Tree Impact	Tree replacement 0-50 feet from OHWM pursuant to LUC 20.25E.065.F.8.c.iii

Location of Impact	Type of Impact	Mitigation Planting Type Required
25-50 feet from OHWM	• New or Expanded Impervious Surfaces • Native Vegetation Impact	Shoreline vegetation replacement, enhancement, retention, or a combination thereof, 0-50 feet from OHWM
	Significant Tree Impact	Tree replacement 0-200 feet from OHWM pursuant to LUC 20.25E.065.F.8.c.iii

c. Mitigation Amount Required. For each type of Impact to Existing Shoreline Vegetation, the number of debits generated by the impact shall be offset by an equal number of credits generated through shoreline vegetation mitigation.

i. Debits. For each type of shoreline vegetation impact, the number of debits shall be calculated by summing, for each type of land cover conversion, the difference between the final value and existing value of land cover types using LUC Chart 20.25E.065.F.8.d, multiplied by the square footage of land cover converted, as follows:

Debits = Sum (Change in Land Cover Value x Impact Area in square feet)

ii. Credits. For each type of mitigation planting required per LUC 20.25E.065.F.8.b, the number of mitigation credits shall be equal to or greater than the number of debits as calculated pursuant to LUC 20.25E.065.F.8.c.i above. The number of mitigation credits shall be calculated by summing, for each type of land cover conversion, the difference between the final value and existing value of land cover types using LUC Chart 20.25E.065.F.8.d, as follows:

Credits = Sum (Change in Land Cover Value x Mitigation Area in square feet)

iii. Significant Trees. Debits and credits are not assigned to significant trees. All significant trees removed shall be replaced consistent with the following standards:

(1) Significant tree replacement ratio

Significant Tree Removed	Replacement Ratio (replaced : removed)
8 – 10 inches	1 : 1
10 – 16 inches	2 : 1
Greater than 16 inches	3 : 1

(2) Replacements for Significant Trees. Removal of significant trees over 50 feet in height and removal of significant trees identified on the replacement trees list contained in LUC 20.25E.065.8.g.i.(4) shall be replaced with trees specifically identified on the replacement trees list contained in LUC 20.25E.065.8.g.i(4) at the ratio provided in paragraph (1) above. Removal of significant trees less than 50 feet in height and not identified on the replacement trees list contained in LUC 20.25E.065.8.g.i(4) may be replaced with any tree at a 1:1 ratio.

(3) Planting Location. All significant trees removed from the area within 25 feet of OHWM shall be replaced in a location within 50 feet of OHWM. All significant trees removed from the area between 25 to 50 feet of OHWM shall be replaced in a location within 200 feet of OHWM, provide that at least one replacement tree is located within 50 feet of OHWM.

(4) Size at Planting. All significant trees removed shall be replaced with a minimum 5 gallon or 2-inch caliper sized tree in the designated mitigation planting area per LUC Chart 20.25E.065.F.8.

(5) Critical habitat. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods for removal that will minimize impacts.

iv. Impervious Surface Waterward of Existing Structures. In addition to mitigation required through paragraphs F.8.c.i through iii of this section, any shoreline impact resulting from an increase in impervious surface located waterward of existing structures shall also require installation of 75 square feet of native vegetation within 0-10 feet of OHWM. Planting shall meet the standards described in LUC 20.25E.065.8.g.

d. Shoreline Land Cover Values. LUC Chart 20.25E.065.F.8.d sets forth values for land cover types in shoreline jurisdiction. The applicant shall use these values to calculate total debits and total credits required, as set forth in LUC 20.25E.065.F.8.c.

Chart 20.25E.065.F.8.d Shoreline Land Cover Types and Values

Land cover type	Standard value (1)	Mitigation planting types
Impervious surface (2)	0.0	Not allowed as mitigation planting for removal of Land Cover having a value of greater than 0.2.
Mown lawn, annual or perennial gardens, noxious species/weeds	0.1	
Bare ground or pervious features	0.15	
Non-native vegetation, 25-50 feet from OHWM (3)	0.25	Shoreline vegetation replacement, enhancement, or retention.
Non-native vegetation, 0-25 feet from OHWM (3)	0.3	
Native vegetation (4), 25-50 feet from OHWM (6)	0.6	
Rain garden/swale, 0-200 feet from OHWM (7)	0.7	
Native vegetation (4), 0-25 feet from OHWM (6)	0.8	
Native overhanging vegetation (5), 0-10 feet from OHWM	1.0	

Notes: Shoreline Land Cover Types and Values

(1) In order to receive credit using these values, mitigation planting shall meet the standards set forth in LUC 20.25E.065.F.8.g. Existing vegetation is not required to meet the standards for mitigation planting set forth in LUC 20.25E.065.F.8.g. Existing vegetation with a minimum coverage of 50 percent by area shall be considered a vegetation area. The minimum size of a vegetated area described in LUC 20.25E.065.F.8 is 200 square feet.
(2) Assumes only 'non-pollutant-generating' impervious surfaces (e.g. roofs, patios, walkways) within the shoreline vegetation conservation area.
(3) Defined as non-native trees, shrubs, and/or groundcover. Area of noxious weeds, shall be valued the same as mown lawn, and annual or perennial gardens.

(4) Defined as a mixture of native trees, shrubs, and groundcover that do not meet the definition of native overhanging vegetation (see Note 5 below).
(5) Native willows, native dogwoods, native emergent vegetation, or other native non-significant trees or shrubs that, when mature, will have the potential to overhang the shoreline. Vegetation meeting this definition shall not be classified as a significant tree even if it would otherwise qualify for this designation pursuant to the definition contained in LUC 20.50.046 now or as hereafter amended.
(6) Mitigation area which does not meet the 60% composition standard for trees and/or shrubs would be assigned a standard value of 0.1.
(7) Installation shall be pursuant to the Western Washington Rain Garden Handbook for Region 3, now or as hereafter amended. Rain gardens provide water quality benefits that may not fully mitigate for lost habitat structure associated with a project that impacts trees and shrubs. Projects that impact native vegetation shall also be mitigated with the installation of native vegetation having a shoreline land cover value of 0.6 or greater pursuant to the terms of LUC 20.25E.065.F.8.c.

---

e. Shoreline Vegetation Enhancement. For those areas of existing shoreline vegetation that do not presently meet the standards for shoreline mitigation planting set forth in LUC 20.25E.065.F.8.g, the applicant may improve the existing vegetation through in-fill planting of additional native vegetation and/or removal of invasive vegetation. The following standards shall apply to shoreline vegetation enhancement.

i. Enhanced vegetation shall be assigned an increase in land cover value equal to 0.15 above the standard value set forth in LUC 20.25E.065.F.8.d. Enhancement credits shall be calculated by summing, for each area of vegetation enhanced, the difference in value between the initial and final land cover types (equal to 0.10 in all instances of vegetation enhancement), as follows:

Enhancement Credits = Sum (0.15 x Enhanced Area in square feet)

ii. Enhanced vegetation shall meet the standards for shoreline mitigation planting set forth in LUC 20.25E.065.F.8.g.
iii. The enhancement credit may apply to existing non-native planting areas, but any infill planting installed to meet the enhancement standard shall consist of native species.
iv. Shoreline vegetation enhancement shall not apply to significant tree replacement.
v. Enhancement credits shall only be applied to a given area once.

f. Shoreline Vegetation Retention. The applicant shall receive mitigation credits for retaining areas of existing shoreline vegetation that presently meet the standards for composition, coverage, and noxious weeds for shoreline mitigation planting set forth in LUC 20.25E.065.F.8.g.

i. Retained vegetation shall be assigned an increase in land cover value equal to 0.15 above the standard value set forth in LUC 20.25E.065.F.8.d. Retention credits shall be calculated by summing, for each area of vegetation retained, the difference in

value between the initial and final land cover types (equal to 0.15 in all instances of vegetation retention), as follows:

Retention Credits = Sum (0.15 x Retained Area in square feet)

ii. Retention credits shall only be applied to a given area once.

g. Shoreline Vegetation Mitigation Planting. The following standards shall apply to shoreline vegetation mitigation planting.

i. Composition.

(1) Native, Overhanging Vegetation. Planted native, overhanging vegetation shall be any combination of native willows, red osier dogwood, and/or native emergent vegetation that is rooted in or overhangs the shoreline waterbody. Willows or dogwoods shall compose at least 80 percent of the total planted area based on coverage at five years.

(2) Native Vegetation. Planted native vegetation shall be a combination of trees, shrubs, and/or groundcover native to the lowlands of Western Washington with a minimum combined five year tree and shrub coverage of 60 percent. Native species composition shall be at least 80 percent coverage at five years.

(3) Non-native Vegetation. Planted non-native vegetation shall be a combination of trees, shrubs, and/or groundcover with a minimum combined five year tree and shrub coverage of 60 percent.

(4) Replacement Trees. Replacement trees shall be a species identified in the planting list provided below or as approved by the Director as a functional equivalent.

Conifers - Native to Lowlands of Western Washington

Common Name	Scientific Name
Grand fir	*Abies grandis*
Noble fir	*Abies procera*
Alaska yellow cedar	*Chamaecyparis nootkatensis*
Sitka Spruce	*Picea sitchensis*
Shore Pine	*Pinus contorta var. contorta*

Lodgepole Pine	*Pinus contorta var. latifolia*
Western White Pine	*Pinus monticola*
Douglas-fir	*Pseudotsuga menziesii*
Western Red Cedar	*Thuja plicata*
Western Hemlock	*Tsuga heterophylla*

Conifers - Not native to Lowlands of Western Washington

Common Name	**Scientific Name**
Incense Cedar	*Calocedrus decurrens*
Atlas Cedar	*Cedrus atlantica*
Deodar Cedar	*Cedrus deodora*
Cedar of Lebanon	*Cedrus libani*
Western Larch*	*Larix occidentalis*
Ponderosa Pine	*Pinus ponderosa*
Coastal Redwood	*Sequoia sempervirens*

**Deciduous*

Broadleaf Natives

Common Name	**Scientific Name**
Big Leaf Maple	*Acer macrophyllum*
Red Alder	*Alnus rubra*
Pacific Madrone*	*Arbutus menziesii*
Pacific Dogwood	*Cornus nuttallii*
Oregon Ash	*Fraxinus latifolia*
Black Cottonwood	*Populus balsamifera*
Quaking Aspen	*Populus tremuloides*
Garry Oak	*Quercus garryana*
Paper Birch	*Betula papyrifera*

**Evergreen*

ii. Plant Density. Planted vegetation should follow a recommended maximum on-center spacing of three feet for groundcover, six feet for shrubs, and 15 feet for trees. Live stakes may also be used for willows and dogwood with an on-center spacing of three feet. The corresponding coverage area per individual plant is calculated at 10 square feet per groundcover and live stakes, 30 square feet per shrub, and 200 square feet per tree.

iii. Size at Planting. Planted vegetation shall have a minimum pot size at planting of one gallon for groundcover, two gallons for shrubs, and five gallons or 2 inch caliper size for trees.

iv. Coverage. Planting shall achieve an ultimate areal coverage of at least 80 percent by year five after planting.

v. Siting. Planted areas should be consolidated within the parcel to the degree feasible. Clusters of vegetation are required for credits to be received and shall be greater than 200 square feet in size, where feasible.

vi. Noxious Weeds. Area of noxious weeds and invasive species including but not limited to English Ivy (Hedera helix), Himalayan blackberry (Rubus discolor, R. procerus), and Evergreen blackberry (Rubus lacintaus) shall comprise no more than 10 percent of mitigation planting area at any time within the first five years after planting.

vii. Survival. The applicant shall demonstrate 100 percent survival of all planted trees, shrubs, and groundcover the first year after planting and 80 percent survival of all planted trees and shrubs in years three through five after planting. Survival standards do not apply to live stake planting, provided that coverage standards of LUC 20.25E.065.F.8.g.iv are met.

viii. Limitation on Requirement to Provide Shoreline Vegetation Mitigation Planting. Fifteen percent impervious surface area, or activity area comprised of mown lawn, bare ground or pervious surfaces, shall be permitted within 0 – 25 feet of OHWM irrespective of whether the mitigation requirements of LUC 20.25E.065.F.8 have been fully met.

h. Dock Grating Mitigation. The applicant shall receive mitigation credit for the replacement of solid decking with grated decking.

i. Dock Area within 30 feet of OHWM. Replacement of solid decking with grated decking in the near shore area earns 50 units of mitigation credit.

ii. Entire Dock Area. Replacement of all solid decking with grated decking over the entire dock area earns 75 units of mitigation credit.

i. Advance Mitigation. Advance mitigation credits may be generated through any mitigation planting conducted prior to the time at which existing shoreline vegetation is impacted, in accordance with the following standards.

i. Baseline mitigation credits shall be calculated in the same way as mitigation credits in accordance with LUC 20.25E.065.F.8.c.

ii. The value of advance mitigation credits shall increase by five percent of baseline mitigation credits each year following the mitigation planting and prior to the use of the credits to offset future vegetation impacts (debits). Total advance mitigation credits shall not exceed 200 percent of baseline mitigation credits.

iii. Advance mitigation planting shall be conducted in accordance with the procedures and standards set forth in LUC 20.25E.065.F.8, Mitigation for impacts to existing Shoreline Vegetation.

j. Planting Plan. The applicant shall submit a planting plan prepared by a qualified professional or per guidance in the City of Bellevue Shoreline Handbook [to be developed]. The planting plan shall show location, size, species, and quantity of proposed mitigation planting, including replacement, enhancement, and retention of vegetation. ~~The applicant shall record plans and credits earned with the King County Recorder's Office or its successor agency.~~

9. Tree Retention Standards outside of the Shoreline Vegetation Conservation Area. Development and uses located outside of the shoreline vegetation conservation area shall be regulated pursuant to the city-wide Tree Retention and Replacement standards in LUC 20.20.900 (as set forth in the Land Use Code on [INSERT DATE of ordinance adoption]) which is incorporated by this reference into the SMP. Additional standards may apply for critical areas; refer to Part 20.25H LUC (Critical Areas Overlay District).

10. Tree Protection Required. The applicant shall use tree protection techniques approved by the Director during land-disturbing activities and construction to protect trees from adverse impacts related to land-disturbing activities, and provide for the continual healthy life of retained significant trees.

11. Existing Landscape Maintenance. Routine maintenance of existing legally established landscaping and landscape features developed prior to [insert effective date ordinance], in the shoreline vegetation conservation area may be continued in accordance with this section. For purposes of this section, "routine maintenance" includes mowing, pruning, weeding, planting annuals, perennials, fruits and vegetables, and other activities associated with maintaining a legally established ornamental or garden landscape and landscape features. Also, for purposes of this subsection, "landscape features" refers to fences, trellises, rockeries and retaining walls, pathways, arbors, patios, play areas and other similar improvements. To be considered routine maintenance, activities shall have

been consistently carried out so that the ornamental species predominate over native or invasive species.

12. Removal of Noxious Species. Noxious species may be removed from the shoreline vegetation conservation area consistent with King County's Noxious Weed Program's best management practices for removal of noxious weeds so long as the exposed areas are replanted as necessary to control sediment runoff. The preferred method to remove noxious species from the shoreline vegetation conservation area is with hand labor and hand-operated equipment. Eurasian water milfoil and Brazilian elodea may be removed without triggering the mitigation requirements of LUC 20.25E.065.F.8.g.

13. Hazard Significant Trees within the Shoreline Vegetation Conservation Area. The removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement, is allowed subject to the following requirements.

    a. Mitigation. The landowner shall replace any trees that are removed with minimum 5 gallon or 2 inch caliper size replacement tree(s) pursuant to the ratio contained in LUC 20.25E.065.F.8.c.iii.

    b. Wildlife snag as alternative mitigation. A landowner may chose to convert a hazard tree proposed for removal to a wildlife snag as an alternative to providing replacement mitigation; and

    c. Notification of removal. Hazard trees determined to pose an imminent threat or danger to public health or safety, to public or private property, or of serious environmental degradation may be removed or pruned by the landowner on whose property the tree is located prior to receiving the permits required under Chapter 23.76 BCC (Clearing and Grading Code) provided, that the landowner makes reasonable efforts to notify the City ~~,~~ ~~and~~ within 14 days following such action. The landowner shall propose mitigation planting in compliance with the provisions of LUC 20.25E.065.F.8.c.iii and an installation schedule within 30 days of removing the hazard tree.

14. Select Vegetation Pruning. Pruning of existing trees and vegetation within the shoreline vegetation conservation area with hand labor and hand-operated equipment in accordance with this subsection is allowed without a shoreline permit or approval. A Clearing and Grading Permit, Chapter 23.76 BCC, and/or SEPA review, Chapter 22.02 BCC, may still be required. The pruning allowed by this subsection shall be performed in accordance with guidelines established by the Director for each of the following pruning techniques: canopy reduction; canopy cleaning; canopy thinning; canopy raising or lifting; structural pruning; and canopy restoration. The following exceptions apply:
    a. In no event may a tree or vegetation which is an active nest site for a species of local importance be pruned pursuant to this paragraph.

b. Pruning of overhanging vegetation used for mitigation credits, including enhancement, conservation, or advance credits, may not reduce the amount of vegetation hanging over or into the shoreline waterbody.

G. Shoreline Stabilization

Shoreline stabilization measures in the Shoreline Overlay District are regulated pursuant to LUC 20.25E.080.

H. Residential Moorage (Overwater Structures).

1. Applicability. Moorage facilities are allowed in the Shoreline Overlay District when in compliance with paragraph H of this section.
2. Definitions. The following definitions apply to paragraph H of this section in addition to the definitions contained in LUC 20.25E.280 and Chapter 20.50 LUC (as set forth in the Land Use Code on [INSERT DATE of ordinance adoption]) which is incorporated by this reference into the SMP.

   a. Boat. A vessel built to travel on water that carries people or goods and is propelled by oars, outboard motor, inboard motor, or by wind.

   b. Boathouse. A boat cover that includes at least one wall. Boathouses may be structurally integrated into or attached to the dock or boatlift or may be freestanding.

   c. Boatlift. A structure or mechanism designed to elevate and dry-store boats above the water. Boatlifts do not include floating boatlifts, which for the purpose of this section, are regulated as a boat. Boatlifts include cradle lifts, platform lifts, and hoist lifts.

   d. Open Sided Boat Moorage Cover. A boat shelter with a permanent structural roof and open sides.

   e. Lift Canopy. A fabric skinned rigid framed boat cover structurally attached to a boatlift or watercraft lift roughly the equivalent in size of the boat or watercraft lift it is designed to protect.

   f. Walkway. The portion of the dock that is connected to the shoreline at the landward end and provides access to moorage.

   g. Reconfigure. Refers to the rearrangement of dock structure elements which result in new length and width dimensions even when the overall square footage remains unchanged from the original dock structure.

   h. Watercraft. A small recreational vessel that the rider sits or stands on, rather than inside of, seats up to three riders, and is powered by an inboard jet propulsion system.

i. Watercraft Lift. A structure or mechanism that is designed to elevate and dry-store watercraft above the water. The term watercraft lift does not include floating watercraft lifts, which for the purpose of this section, are regulated as watercraft. Watercraft lifts include cradle lifts, platform lifts, and hoist lifts.

3. General Requirements Applicable to all Residential Docks. The following standards apply to all development and repairs related to residential docks.

   a. Dock Materials. Environmentally neutral materials approved by the Environmental Protection Agency for use in aquatic environments shall be used. No materials treated with known toxic preservatives is allowed. Dock materials shall not be treated with pentachlorophenol, creosote, chromate copper arsenate (CCA) or comparably toxic compounds. Preservative and surface treatments are limited to products approved for use in aquatic environments and must be applied according to label directions. Construction hardware that comes into contact with water either directly, or through precipitation that causes discharges either directly or indirectly into surface waters shall not be susceptible to dissolution by corrosion.

   b. Dock Lighting. Dock lighting for the purpose of illuminating the dock surface for safety is allowed when the illuminating fixtures are limited to the minimum height necessary above the dock surface, or screened to provide the intended function of walkway illumination, without allowing light emissions to spill outside of the dock surface.

   c. Accidental Destruction - Timing of Construction. Pursuant to paragraph I.4.e of this section, legally-established structures destroyed by fire, explosion, or other unforeseen disaster beyond the control of the owner may be reconstructed in the same configuration; provided, that complete applications for all required permits are submitted within 2 years from the date of destruction. Materials used for reconstruction shall comply with the requirements set forth in paragraph 3.a of this section. Areas of temporary construction disturbance resulting from the reconstruction shall be restored to pre-construction conditions.

4. General Requirements Applicable to New or Reconfigured Residential Docks.

   a. Paragraph H.4 and LUC Chart 20.25E.065.H.4 of this section contain general requirements that apply to all new and reconfigured residential docks in addition to the general requirements set forth in paragraph H.3 of this section. Each application for a new or reconfigured residential dock shall comply with these requirements.

Chart 20.25E.065.H.4 New and Reconfigured Residential Dock Standards.

Residential Dock Location					
	Lake Washington (1)	**Lake Sammamish (1)**	**Phantom Lake (1)**	**Residential Canal Environment (1)**	**Alternative Standard or Limitation – When Allowed**
Number of docks allowed	One per residential lot				N/A
Dock Side Setback Requirements (2)	10’	10’	10’	10’	N/A
Maximum Dock Length	150’	150’	100’	Platform may not extend greater than 10’ from canal bulkhead	Shoreline Variance (3)
Maximum Dock Size - sq. ft.	480 sq. ft.	480 sq. ft	250 sq. ft.	100 sq. ft.	State and Federal Approval (4)
	Dock Walkway Requirements:				
Maximum Walkway width	5’ for portion of pier or dock located within 30 ft. of the OHWM; otherwise, 6 ft. for walkways	5’ for portion of pier or dock located within 30 ft. of the OHWM; otherwise, 6 ft. for walkways	5’	Walkway Prohibited N/A	State and Federal Approval (4)
Ell location restriction related to Water Depth	30’ waterward of OHWM or at least 9’ of water depth measured	30’ waterward of OHWM or at least 9’ of water depth	State and Federal Approval (4)	Ell Prohibited N/A	State and Federal Approval (4)

Residential Dock Location					
	Lake Washington (1)	**Lake Sammamish (1)**	**Phantom Lake (1)**	**Residential Canal Environment (1)**	**Alternative Standard or Limitation – When Allowed**
	from the ordinary high water mark	measured from the ordinary high water mark			
Mooring Pile	2 maximum per residential lot				State and Federal Approval (4)
Decking	Grated				State and Federal Approval (4)

Notes: New and Reconfigured Residential Dock Standards

(1) Floating docks may be approved when the use of a fixed dock is not feasible.

(2) No private dock or other structure waterward of the ordinary high water mark, including boatlifts, watercraft lifts, and other structures attached thereto, shall be closer than 10 feet to any adjacent property line projection, except where a mutual agreement of adjoining property owners is recorded with the King County Records and Election Division and the Bellevue City Clerk and submitted as part of the permit application for the use or activity.

(3) These standards or limitations may be modified through approval of a Variance to the Shoreline Master Program (20.25E.190 LUC).

(4) These standards or limitations may be modified through approval of larger dimensions or alternative materials authorized by the U.S. Army Corps of Engineers (pursuant to the approval authority provided under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act) or by Washington Department of Fish and Wildlife (pursuant to the approval authority under Hydraulic Project Approvals) through their respective permitting processes.

---

b. New and Reconfigured Residential Docks - Limitations.

i. Number of Docks Per Lot. Construction of one residential dock per upland residential waterfront lot or one-joint use dock for two or more adjacent waterfront lots is allowed in accordance with Chart 20.25E.065.H.4. Expansion of any legally-established existing residential dock is permitted; provided the

expansion complies with the development standards contained in paragraphs H.3 and H.4 of this section.

ii. Lot Dimensional Requirements. Residential docks are allowed only on:

(1) Lots created on or after [insert effective date of ordinance], and having water frontage meeting or exceeding the minimum lot width required in the underlying land use district (for further information regarding the city-wide standard refer to LUC 20.20.010); or

(2) Lots created before [insert effective date of ordinance]; or

(3) Nonbuilding tracts platted for the purpose of providing common residential moorage for a group of contiguous properties; provided the minimum width of the nonbuilding tract is equal to or greater than 24 feet.

iii. Combining Frontage—Shared Docks. For the purposes of meeting the requirements of paragraph H.4.b.ii of this section, adjoining property owners may combine their water frontage by mutual agreement recorded with the King County Records and Elections Division, or its successor agency, and the Bellevue City Clerk. Only one shared residential dock is permitted pursuant to a combined frontage agreement, which may connect with the property landward of the ordinary high water mark at only one location.

iv. Boathouses. New boathouses are prohibited. Existing boathouses waterward of OHWM are subject to the rules for nonconforming overwater accessory structures set forth in paragraph I of this section.

v. Open-sided Boat Moorage Covers. One open-sided structural boat cover is allowed per residential dock. Open-sided boat covers shall be considered as part of the dock, and the total cumulative square footage of the open-sided boat cover and the dock shall not exceed the allowed maximum dock size in Chart 20.25E.065.H.4.

vi. Siting and Design. New and reconfigured docks should be located and designed to avoid the need for new and maintenance dredging.

5. Repair and Replacement of Existing Residential Docks.

Existing legally-established residential docks may be repaired or replaced in the existing configuration, provided that the materials used for dock repairs shall meet the requirements established in paragraph 20.25E.065.H.3.a.

6. Boat and Watercraft Lifts. To reduce disturbance of the lake substrate, attached boatlifts and watercraft lifts are preferred over freestanding lifts. Lifts are limited in the number allowed and location:

a. Number. The number of combined boat and watercraft lifts is limited to four per dock.

b. Location. The landward stanchion of any boat or watercraft lift shall be located more than 30 feet waterward of OHWM or within 30 feet waterward of OHWM if located in at least 9 feet of water depth when measured from the OHWM unless otherwise approved by State or Federal Agencies pursuant to LUC Chart 20.25E.065.H.4 Note 4.

c. Number of Lift Canopies Allowed. One fabric watercraft or boat lift canopy is allowed per single use dock. Two fabric watercraft or boat lift canopies are allowed per joint use dock. Canopy fabric shall be light-transmitting, unless alternative materials are approved by State or Federal Agencies pursuant to LUC Chart 20.25E.065.H.4 Note 4.

I. Nonconforming Residential Development

1. Purpose. Existing residential development landward of the ordinary high water mark of the Shoreline Overlay District that was legally established prior to effective date of this ordinance is considered to be conforming to the Part 20.25E LUC. The purpose of this section is to allow for continued enjoyment, maintenance and repair of existing boathouses located waterward of the ordinary high water mark when ancillary to residential development that was lawful when constructed, and to allow for replacement of boathouses when destroyed through no fault of the owner.

2. Applicability

   a. This section applies to legally constructed boathouses located waterward of the ordinary high water mark that existed as of [insert effective date].

   b. The nonconforming provisions of WAC 173-27-080 do not apply.

   c. The nonconforming provisions of LUC 20.25E.040 do not apply to residential development located within the Shoreline Overlay District. The nonconforming provisions of LUC 20.20.560 apply only to General Development Requirements of Chapter 20.20 LUC that are applicable city-wide and are not part of the SMP.

   d. Modifications to residential development located within a critical area or critical area buffer identified pursuant to LUC 25.25H.030 shall comply with the applicable requirements of Part 20.25H LUC Critical Areas Overlay District (as set forth in Ordinance No. (INSERT critical areas conformance ordinance number and date), which is incorporated by reference into the SMP.

3. Regulations and Thresholds Applicable to Nonconforming Boathouses.
    a. Ownership. The status of a nonconforming residential development is not affected by changes in ownership.
    b. Continued Enjoyment. Nonconforming residential development may remain unless specifically limited by the terms of this section.
    c. Routine Maintenance and Repair. Routine maintenance and repair associated with a nonconforming boathouse is allowed. “Routine maintenance” includes those usual acts to prevent decline, lapse, or cessation from a legally established condition. “Repair” includes in-kind restoration and modernization improvements to a state comparable to its original condition within a reasonable period after decay has occurred. Improvements to a nonconforming boathouse that cost more than 50% of the replacement value of an individual structure undergoing improvement are not defined as maintenance and repair, and shall be considered a new boathouse, which is not permitted waterward of OHWM.
        i. Three-Year Period. Improvements made within a three-year period will be viewed as a single action for the purposes of determining whether regulations applicable to new residential development shall apply.
        ii. Value of Improvements. The value of improvements is determined by the Director based on the entire project and not individual permits.
    d. Exemptions from the Calculation of Replacement Value. The following improvements do not count toward the calculation of replacement value thresholds identified in paragraph I.3.c:
        i. Alterations related to installation of improved fire prevention measures;
        ii. Alterations related to removal of architectural barriers pursuant to the Americans with Disabilities Act, or the Washington State Building Code (Chapter 19.27 RCW), now or as hereafter amended;
        iii. Alterations related to seismic retrofit of existing structures;
        iv. Improvements to on-site stormwater management facilities in conformance with Chapter 24.06 BCC, now or as hereafter amended;
        v. Alterations that meet LEED, Energy Star or other industry-recognized standard that results in improved mechanical system, water savings, or operational efficiency; and,
        vi. Alterations that meet the definition of routine maintenance, including but not limited to, painting, caulking, washing and rewiring.
    e. Accidental Destruction. When a legally established boathouse is damaged or destroyed by fire, explosion, natural disaster, or other unforeseen

circumstances, the boathouse may be repaired or reconstructed subject only to the following limitations:

i. The legally established boathouse shall be repaired or reconstructed within the footprint existing when the destruction occurred, unless the area of the structure footprint is moved to a less sensitive portion of the site, the movement reduces nonconformities to the SMP;

ii. Complete permit applications for all required permits are submitted within 2 years from the date of destruction and construction is diligently pursued;

iii. Under no circumstances may the reconstruction expand, enlarge, or otherwise increase a nonconformity; and,

iv. Areas of temporary construction disturbance resulting from reconstruction shall be restored pursuant to a mitigation plan (refer to LUC 20.25E.060.D.1 and 5).

f. Permits. If not otherwise exempt pursuant to the terms of LUC 20.25E.170, a Shoreline Substantial Development Permit shall be obtained prior to undertaking any maintenance and repair, alteration, or reconstruction authorized by this section.

4. Existing Residential Development within the Shoreline Structure Setback.

Residential and Accessory Structures. A legally constructed residential or accessory structure that encroaches into the shoreline structure setback, is granted a footprint exception pursuant to the requirements of LUC 20.25E.065.E.1.c and is not considered to be nonconforming and may be maintained, repaired or replaced, in accordance with LUC 20.25E.065.A through F.

5. Existing Moorage and Shoreline Stabilization

a. Legally constructed moorage may be repaired and maintained in accordance with LUC 20.25E.065.H (Residential Moorage).

b. Legally constructed shoreline stabilization may be repaired and replaced in accordance with LUC 20.25E.080.F (Shoreline Stabilization).