

Shoreline Master Program Update Public Hearing Draft Policies – Shoreline Setbacks

http://www.bellevuewa.gov/pdf/Land%20Use/Public_Hearing_Draft_Policies.pdf

Shoreline Setback Policies

1. To increase and encourage water-enjoyment recreation for the public on the city's shorelines when appropriate and consistent with the public interest.
2. **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.
3. **SH-20.** Recognize and protect private property rights consistent with the public interest.
4. **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.
5. **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.
6. **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.
7. **SH-34.** Prohibit new structures and uses that would displace floodwaters within the floodplain.
8. **SH-37.** Encourage reconnection of floodplains by removal of structures associated with existing development located within the floodplain.
9. **SH-64.** Encourage development designed to minimize site alteration, impervious surface, and vegetation removal.
10. **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.
11. **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.
12. **SH-71.** Encourage the use of natural drainage practices and low-impact materials.

Comment [ch1]: Modeled after the current Shoreline Management Program Element of the Comprehensive Plan Goal 5. Legislative intent language from RCW 90.58.020.

Comment [DB2]: WAC 173-26-201(2)(e)

Comment [DB3]: WAC 173-26-186 (5), 173-26-191(2)(a)

Comment [DB4]: WAC 173-26-211(4) and 173-26-241(2)(a)(ii)

Comment [hb5]: Bellevue specific approach

Comment [DB6]: Bellevue specific approach. Modeled after existing Policy EN-27.

Comment [DB7]: WAC 173-26-221(3)

Comment [DB8]: WAC 173-26-221(3)

Comment [DB9]: WAC 173-26-211(5)(f), 173-26-241(3)(j) and 173-26-221(5)

Comment [DB10]: Bellevue specific approach and WAC 173-26-211(5)(f) and 173-26-241(3)(j)

Comment [DB11]: Bellevue specific approach

Shoreline Master Program Update WAC Guidelines – Setbacks and Buffers

WAC 173-26 (<http://apps.leg.wa.gov/wac/default.aspx?cite=173-26>)

WAC 173-26-211(2)(a) Basic requirements for environment designation classification and provisions.

(a) Master programs shall contain a system to classify shoreline areas into specific environment designations. This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section. Each master program's classification system shall be consistent with that described in WAC 173-26-211 (4) and (5) unless the alternative proposed provides equal or better implementation of the act.

WAC 173-26-211 (4)(a) General environment designation provisions.

(a) Requirements. For each environment designation, the shoreline master program shall describe:

- (i) Purpose statement. The statement of purpose shall describe the shoreline management objectives of the designation in a manner that distinguishes it from other designations.
- (ii) Classification criteria. Clearly stated criteria shall provide the basis for classifying or reclassifying a specific shoreline area with an environment designation.
- (iii) Management policies. These policies shall be in sufficient detail to assist in the interpretation of the environment designation regulations and, for jurisdictions planning under chapter 36.70A RCW, to evaluate consistency with the local comprehensive plan.
- (iv) Regulations. Environment-specific regulations shall address the following where necessary to account for different shoreline conditions:
 - (A) Types of shoreline uses permitted, conditionally permitted, and prohibited;
 - (B) Building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards; and
 - (C) Other topics not covered in general use regulations that are necessary to assure implementation of the purpose of the environment designation.

WAC 173-26-211(5)(f) Shoreline residential environment.

- (i) Purpose. The purpose of the "shoreline residential" environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.
- (ii) Management policies.
 - (A) Standards for density or minimum frontage width, setbacks, lot coverage limitations, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality shall be set to assure no net loss of shoreline ecological functions, taking into account the environmental

limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.

WAC 173-26-211(4)(d)(iv). Public access.

(iv) Adopt provisions, such as maximum height limits, setbacks, and view corridors, to minimize the impacts to existing views from public property or substantial numbers of residences. Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary.

WAC 173-26-221(5)(c). General standards.

(c) **Standards.** Master programs shall implement the following requirements in shoreline jurisdiction.

Establish vegetation conservation standards that implement the principles in WAC [173-26-221](#) (5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions. Selective pruning of trees for safety and view protection may be allowed and the removal of noxious weeds should be authorized. Additional vegetation conservation standards for specific uses are included in WAC [173-26-241](#)(3).

WAC 173-26-241(3)(j) Residential Development.

(j) **Residential development.** Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal. Residential development also includes multifamily development and the creation of new residential lots through land division.

Master programs shall include policies and regulations that assure no net loss of shoreline ecological functions will result from residential development. Such provisions should include specific regulations for setbacks and buffer areas, density, shoreline armoring, vegetation conservation requirements, and, where applicable, on-site sewage system standards for all residential development and uses and applicable to divisions of land in shoreline jurisdiction.

Residential development, including appurtenant structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses. (See RCW [90.58.100](#)(6).)

New over-water residences, including floating homes, are not a preferred use and should be prohibited. It is recognized that certain existing communities of floating and/or over-water homes exist and should be reasonably accommodated to allow improvements associated with life safety matters and property rights to be addressed provided that any expansion of existing communities is the minimum necessary to assure consistency with constitutional and other legal limitations that protect private property.

New multiunit residential development, including the subdivision of land for more than four parcels, should provide community and/or public access in conformance to the local government's public access planning and this chapter.

Master programs shall include standards for the creation of new residential lots through land division that accomplish the following:

(i) Plats and subdivisions must be designed, configured and developed in a manner that assures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots.

(ii) Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.

(iii) Implement the provisions of WAC 173-26-211 and 173-26-221.

Shoreline Master Program Update Washington State Department of Ecology SMP Checklist

<http://www.ecy.wa.gov/programs/sea/shorelines/docs/SMPchecklist.pdf>

Setbacks or Buffers

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Each environment designation includes: Purpose statements, classification criteria, management policies, and regulations (types of shoreline uses permitted, conditionally permitted, and prohibited; building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards). WAC 173-26-211(2)(4).		
Maximum height limits, setbacks, and view corridors minimize impacts to existing views from public property or substantial numbers of residences. WAC 173-26-221(4)(d)(iv); RCW 90.58.320		
Standards for density or minimum frontage width, setbacks, buffers, shoreline stabilization, critical areas protection, and water quality protection assure no net loss of ecological function. WAC 173-26-211(5)(f)(ii)(A)		
Vegetation standards implement the principles in WAC 173-26-221(5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions. WAC 173-26-221(5)(c)		
No net loss of ecological functions assured with specific standards for setback of structures sufficient to avoid future stabilization, buffers, density, shoreline stabilization, and on-site sewage disposal. WAC 173-26-241(3)(j)		

Shoreline Master Program Update - Public Hearing Draft Comments - Setbacks

http://www.bellevuewa.gov/pdf/Land%20Use/5_Sorted_Draft_SMP_Comments_revised_June_23_2011.pdf

Comment #	Primary Topic
14.2	Setbacks
17.6	Setbacks
19.1	Setbacks
38T.156	Setbacks
1.4	Setbacks
4.5	Setbacks
8.6	Setbacks
11.1	Setbacks
18.5	Setbacks
18.6	Setbacks
25.1	Setbacks
25.2	Setbacks
26.1	Setbacks
26.2	Setbacks
27.2	Setbacks
28.1	Setbacks
28.2	Setbacks
29.1	Setbacks
29.2	Setbacks
30.1	Setbacks
30.2	Setbacks
31.1	Setbacks
31.2	Setbacks
32.12	Setbacks
32.16	Setbacks
32.18	Setbacks
32.20	Setbacks
32.23	Setbacks
32.25	Setbacks
32.26	Setbacks
32.28	Setbacks
32.32	Setbacks
32.35	Setbacks
32.38	Setbacks
33.5	Setbacks
35.5	Setbacks
35.6	Setbacks
35.8	Setbacks
35.10	Setbacks
35.12	Setbacks
35.14	Setbacks
35.22	Setbacks
35.23	Setbacks
35.24	Setbacks
35.25	Setbacks
35.27	Setbacks
35.29	Setbacks

Shoreline Master Program Update - Public Hearing Draft Comments - Setbacks

http://www.bellevuewa.gov/pdf/Land%20Use/5_Sorted_Draft_SMP_Comments_revised_June_23_2011.pdf

Comment #	Primary Topic
35.30	Setbacks
35.31	Setbacks
35.32	Setbacks
35.33	Setbacks
35.34	Setbacks
35.35	Setbacks
35.36	Setbacks
35.37	Setbacks
35.38	Setbacks
35.39	Setbacks
35.40	Setbacks
35.41	Setbacks
35.42	Setbacks
35.47	Setbacks
35.51	Setbacks
37.8	Setbacks
38T.32	Setbacks
38T.33	Setbacks
38T.35	Setbacks
38T.118	Setbacks
38T.119	Setbacks
38T.120	Setbacks
38T.122	Setbacks
38T.134	Setbacks
38T.135	Setbacks
38T.136	Setbacks
38T.137	Setbacks
38T.138	Setbacks
38T.19	Setbacks
38T.140	Setbacks
38T.143	Setbacks
38T.144	Setbacks
38T.146	Setbacks
38T.147	Setbacks
38T.148	Setbacks
38T.149	Setbacks
38T.150	Setbacks
38T.151	Setbacks
38T.152	Setbacks
38T.153	Setbacks
38T.154	Setbacks
38T.155	Setbacks
38T.158	Setbacks
38T.159	Setbacks
38T.160	Setbacks
38T.161	Setbacks
38T.162	Setbacks

Shoreline Master Program Update - Public Hearing Draft Comments - Setbacks

http://www.bellevuewa.gov/pdf/Land%20Use/5_Sorted_Draft_SMP_Comments_revised_June_23_2011.pdf

Comment #	Primary Topic
38T.163	Setbacks
38T.164	Setbacks
38T.165	Setbacks
38T.166	Setbacks
38T.167	Setbacks
38T.168	Setbacks
38T.169	Setbacks
38T.170	Setbacks
38T.171	Setbacks
38T.172	Setbacks
38T.173	Setbacks
38T.174	Setbacks
38T.175	Setbacks
38T.176	Setbacks
38T.177	Setbacks
38T.183	Setbacks
38T.184	Setbacks
38T.185	Setbacks
38T.186	Setbacks
39.5	Setbacks
39.16	Setbacks
43.4	Setbacks
44.4	Setbacks
47.4	Setbacks
57.15	Setbacks
59.3	Setbacks
69.1	Setbacks
69.2	Setbacks
70.1	Setbacks
70.2	Setbacks
71.1	Setbacks
71.2	Setbacks
72.1	Setbacks
72.2	Setbacks
73.1	Setbacks
73.2	Setbacks
74.1	Setbacks
74.2	Setbacks
75.1	Setbacks
75.2	Setbacks
77.2	Setbacks
79.1	Setbacks
79.2	Setbacks
80.1	Setbacks
80.2	Setbacks
33.11	Setbacks
47.10	Setbacks

Shoreline Master Program Update - Public Hearing Draft Comments - Setbacks

http://www.bellevuewa.gov/pdf/Land%20Use/5_Sorted_Draft_SMP_Comments_revised_June_23_2011.pdf

Comment #	Primary Topic
27.7	Setbacks
35.28	Setbacks
57.17	Setbacks
77.1	Setbacks