

I. AUTHORITY

20.25E.010 General.

A. Authority.

This chapter is adopted as the City of Bellevue Shoreline Master Program (SMP). The SMP is adopted under the authority of Chapter 90.58 Revised Code of Washington (RCW), the Shoreline Management Act of 1971 (SMA) as adopted or hereafter amended or superseded. The purpose of the SMP is to fulfill the public purpose of preserving important shoreline natural resources of the state and City, and to protect and promote the public, health, safety, and general welfare in a manner that balances resource protection and use of the shoreline while respecting property rights through regulation of development only to an extent that is consistent with all relevant constitutional and other legal limitations.

Comment [cvh1]: Edited in response to Council direction regarding Constitutional limitations September 2014

B. Shoreline Master Program Elements.

1. The SMP consists of the following policies, regulations, and documents:
 - a. The Shoreline Element of the City of Bellevue Comprehensive Plan, Title 21 BCC.
 - b. This Part 20.25E LUC, commonly referred to as the Shoreline Overlay District. This part has been annotated for ease of use. Terms defined in this Part are *italicized*. Definitions of shoreline-specific terms are located in LUC 20.25E.280. Definitions of general terms that apply throughout the Land Use Code are located in 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 list of acronyms used in this Part is located in LUC 20.25E.290.
 - c. Part 20.25H LUC, Critical Areas Overlay District.
2. The SMP consists of the following policies, maps, and documents which are included to comply with Department of Ecology submittal requirements for an SMP. The following documents are informational only, and do not have a regulatory effect on property located within shoreline jurisdiction.
 - a. The Shoreline Environments Designation Map.
 - b. Shoreline Jurisdiction Maps.
 - c. Shoreline Inventory and Characterization.

d. Shoreline Restoration Element of the SMP. This document shall not be considered to contain regulations, but shall be used as a guideline for capital improvement planning by the City and other entities undertaking ecological shoreline restoration activities with the shoreline overlay district in Bellevue.

e. Shoreline Cumulative Impacts Analysis.

3. A complete copy of ~~the~~ all SMP elements is filed with the Department of Ecology, the City Clerk and is available for examination by the general public in the Records Division. Another printed copy is available at the Development Services Department or its successor entity. Additionally, a copy is electronically available on the City of Bellevue website at www.bellevuewa.gov.

C. Scope.

1. Applicability.

The regulatory portion of the SMP contains standards and procedures applicable to development and uses within the Shoreline Overlay District, which includes any site that is in whole or in part within the areas described in LUC 20.25E.010.C.2. All proposed uses and development within the Shoreline Overlay District must conform to the SMA and the SMP. The policies and regulations of this SMP apply to all shoreline uses and developments regardless of whether a shoreline permit is required, and will be implemented only to an extent that application to a proposal is consistent with all relevant constitutional and other legal limitations.

Comment [cvh2]: Edited in response to Council direction regarding Constitutional limitations September 2014

- a. Overlay. The shoreline regulations contained in this Part shall apply as an overlay. Land use regulations, development regulations, and other regulations, ordinances, and standards established by the City apply to projects located within the Shoreline Overlay District, unless made specifically inapplicable by paragraph C.1.c of this section. Unless expressly incorporated by reference, general land use regulations, development regulations, and other regulations, ordinances, and standards of the City are not part of the SMP that is subject to the shoreline review and appeal procedures set forth in LUC 20.25E.100-140.

Comment [cvh3]: Clarification

- b. Relationship to other Policies and Regulations.

- i. Non-Critical Area Conflicts. In the event of any conflict between this Part 20.25E LUC and any other regulations of the City,

except the Critical Areas Overlay District, the regulations contained in this SMP shall prevail except as specifically required by this Part.

Comment [cvh4]: Consistency edit to allow SF building height limits to be applied in the Shoreline Overlay District consistent with Neighborhood Livability amendments to the Land Use Code.

- ii. Critical Area Conflicts. In the event of a conflict between the provisions of this Part 20.25E LUC and Part 20.25H LUC (as set forth in the Land Use Code on [INSERT DATE of ordinance adoption]) which is incorporated by this reference into the SMP), the provisions providing the most protection to critical area functions and values shall prevail. Otherwise, the provisions of this Part shall apply.

- c. Regulations not Applicable in the Shoreline Overlay District. The following regulations of the Land Use Code, Title 20 Bellevue City Code (BCC) now or as hereafter amended, do not apply in the Shoreline Overlay District. Unless specifically listed below, all other regulations apply.

Comment [cvh5]: Clarification

Uses, except as specifically noted in LUC 20.25E.030:

- i. 20.10.400
- ii. 20.10.420
- iii. 20.10.440

General Development Standards

Comment [cvh6]: Consistency edit with LUC 20.25E.065.F

- i. 20.20.010 Minimum Greenscape Percentage of Front Yard Setback and associated Note 40
- ii. 20.20.025 within the shoreline structure setback required by LUC Chart 20.25E.050.A and Chart 20.25E.065.C.
- iii. 20.20.840
- iv. 20.20.900 within the vegetation conservation area defined pursuant to LUC 20.25E.065.F.5.

2. Shoreline Overlay District Jurisdiction.

The SMP applies to shorelines of the state, which include Shorelines of Statewide Significance and shorelines as defined in Chapter 90.58.030 RCW and this paragraph. The Shoreline Overlay District jurisdiction encompasses those lake waters 20 acres in size or greater and those stream waters with a mean annual water flow exceeding 20 cubic feet per second; the shorelands underlying them; the lands extending landward for 200 feet in all directions from the OHWM on a horizontal plain to a point that results in the required 200 foot dimension; floodways and contiguous floodplain areas landward 200 feet from such floodways associated with such streams and lakes; and all wetlands associated

with such streams and lakes. Specifically included in the Shoreline Overlay District jurisdiction are the following:

a. Lake Washington, including Mercer Slough upstream to Interstate 405 – The lake waters, underlying lands and the area 200 feet landward of the ordinary high water mark, plus associated floodways, floodplains, and wetlands. ~~The shoreline jurisdiction on Lake Washington shall be measured landward from elevation 18.8 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 OHWM determination completed by a qualified professional.~~

Comment [cvh7]: Edited in response to Council direction regarding OHWM September 2014

b. Lake Sammamish – The lake waters, underlying lands and the area 200 feet landward of the ordinary high water mark, ~~and plus~~ associated wetlands. ~~On Lake Sammamish, the shoreline jurisdiction shall be measured landward from elevation 30.6 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 completed by a qualified professional.~~

Comment [cvh8]: Edited in response to Council direction regarding OHWM September 2014

c. Lower Kelsey Creek – The creek waters, underlying lands, and territory between 200 feet on either side of the top of the banks, plus associated floodways, floodplains, and wetlands;

d. Phantom Lake – The lake waters, underlying lands and the area 200 feet landward of the ordinary high water mark, ~~and plus~~ associated floodways, floodplains, and wetlands. ~~On Phantom Lake, the shoreline jurisdiction shall be measured landward from elevation 260.7 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 OHWM determination completed by a qualified professional.~~

Comment [cvh9]: Edited in response to Council direction regarding OHWM September 2014

e. On lakes Sammamish and Washington, waterward from the ordinary high water mark or specified vertical elevation to the City's jurisdictional boundary.

D. Environment Designations (Shoreline Use Districts).

The SMP classifies shoreline areas into six unique environment designations or shoreline use districts. These designations are based on the existing use pattern, the biological and physical character of the shoreline as identified in the Shoreline Inventory and Characterization, and the community goals as expressed in the Bellevue Comprehensive Plan. The SMP contains environment-specific policies and regulations to address the type of shoreline uses allowed, conditionally allowed and prohibited, dimensional standards, and other regulations necessary to assure implementation of the specific environment purpose. The six shoreline environments designated in Bellevue are:

1. "Aquatic" (A) Environment.
 - a. Purpose. The purpose of the Aquatic environment is to protect, manage, and restore the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM) while the balancing promotion of recreational uses, such as docks and marinas, that are constructed in a manner that protects the resource.
 - b. Designation Criteria. An Aquatic environment designation is assigned waterward from the OHWM to the City of Bellevue jurisdictional limit.
2. "Urban Conservancy" (UC) Environment.
 - a. Purpose. The purpose of the Urban Conservancy environment 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 in the UC environment 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 the UC environment.
 - b. Designation Criteria. An Urban Conservancy environment designation is assigned to Bellevue 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 where:
 - i. Development and uses are confined to those activities that support recreation, public access to the shoreline, or low-density residential uses that are compatible with maintenance and restoration of shoreline ecological functions;
 - ii. Shoreline ecological functions are more intact than areas designated Shoreline Residential;
 - iii. There is obvious potential for ecological restoration; and
 - iv. Critical areas or cultural features are present that require heightened restrictions on development and use.
3. "Urban Conservancy-Open Space" (UC-OS) Environment.

a. Purpose. The purpose of the Urban Conservancy-Open Space environment is to protect, retain, or restore those shoreline areas that are relatively free of urban development or that include intact or minimally degraded shoreline functions intolerant of urban development. These systems require 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 the Shoreline Overlay District functions and processes can be realized overall, while allowing a range of more urban development to occur in the Shoreline Residential, Shoreline Residential Canal and Recreational Boating environment designations. In the UC-OS, the focus is on dispersed, low-intensity recreation, with walking, running, wildlife viewing, and scientific education 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.

b. Designation Criteria. An Urban Conservancy Open-Space environment designation is assigned to Bellevue shorelands with relatively high levels of existing ecological function for which existing and planned low-intensity development is compatible with maintaining or restoring ecological functions. Included are those areas where:

- i. 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;
- ii. Ecological functions are more intact than areas designated Urban Conservancy;
- iii. Ecological function is high and ecological processes are mostly intact and there is obvious potential for shoreline ecological restoration; and,
- iv. Critical areas or cultural features are present that require heightened restrictions on use and development.

4. "Shoreline Residential" (SR) Environment.

a. Purpose. The purpose of the Shoreline Residential environment is to accommodate single or multifamily residential development and appurtenant structures.

b. 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.

5. "Shoreline Residential Canal" (SRC) Environment.

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

b. 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.

6. "Recreational Boating" (RB) Environment.

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

b. 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 access to viewing, water-oriented recreation, and recreational boating facilities increases.

E. Shoreline Environments Designation Map.

The Shoreline Environments Designation Map is the graphic representation of the Bellevue shorelines regulated under this Part. The adopted map identifies the shoreline environment designations to the individual parcel level, as well as a generalized representation of the extent of the shoreline jurisdiction. The shoreline jurisdiction on

the map is an approximate representation of the extent and location of the Shoreline Overlay District and has not been formally delineated or surveyed. Shoreline jurisdiction is defined in state law as measured from ordinary high water mark, and additional site specific evaluation may be required to confirm the location of the Shoreline Overlay District prior to undertaking any shoreline modification.

F. Shorelines of Statewide Significance.

1. Purpose and Scope. Under the SMA, shorelines of statewide significance are accorded special emphasis and the interest of all the people shall be paramount in their management.
2. Designation of Shorelines of Statewide Significance. Shorelines of statewide significance in Bellevue include lakes Washington and Sammamish and their associated shorelands. Mercer Slough's wetlands are associated with Lake Washington and therefore are shorelines of statewide significance.
3. Priority of Uses. Development, redevelopment, and use of lakes Washington and Sammamish and their associated shorelands were prioritized as set forth in RCW 90.58.020(1)-(7) in developing the SMP. Pursuant to WAC 173-26-181, preferred uses exhibit the characteristics listed below in descending order of priority:
 - a. Recognize and protect the statewide interest over local interest for Shorelines of Statewide Significance.
 - b. Preserve the natural character of the shorelines.
 - c. Result in long-term over short-term benefits.
 - d. Protect the resources and ecology of the shorelines.
 - e. Increase public access to publicly owned areas of the shorelines.
 - f. Increase recreational opportunities for the public in the shoreline.
 - g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.