

20.25E.280 Definitions Specific to the Shoreline Overlay District.

In addition to the definitions in Chapter 20.50 LUC, the following definitions apply only in the Shoreline Overlay District. General definitions not applicable in the Shoreline Overlay District are noted in the text of the general definitions listed in Chapter 20.50 LUC. Additionally, the definitions set forth in RCW 90.58.030, as amended, and Chapter 173-26 WAC, as amended, shall also apply.

Accessory structure. Any structure incidental and subordinate to a primary structure and located on the same lot or development site as the primary use.

Agricultural Land. Means those specific land areas on which agricultural activities are conducted as of [Insert date of adoption] as evidenced by aerial photography or other documentation. After [Insert date of adoption], land converted to agricultural use is subject to compliance with the requirements of the master program.

Aquatic Lands. Means all tidelands, shorelands, harbor areas, and the beds of navigable waters.

Associated Wetlands. Associated wetlands are wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

Beach. The zone of unconsolidated material that is moved by waves and wind currents, extending from the waters edge to the vegetation line.

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.

City Facilities and Systems. City Facilities and systems means the works, buildings and grounds owned, leased, or rented by the City of Bellevue and the elements required to provide public services. City facilities and systems includes, but is not limited to, utility systems and facilities and park facilities.

Comment [cvh1]: Edited in response to Council direction regarding Park Development September 2014.

Community Club. A community club is a recreation-focused, water related community organization whose members consist of residents or moorage slip owners of a specified area. The community club use includes social gathering space and facilities, administration and facility offices, group activities, social support, public information, and other community uses. Community Clubs also include member and guest parking and typical community club social activities, including food and beverage services for members and guests, social gatherings, and meetings. Community Clubs also provide

water-related experiences to persons who would not otherwise have access to the water. Community clubs must provide a moorage as a primary use.

Dock. A structure that is attached to land and serves a function of providing moorage and access to deeper water. Components of a dock include, but are not limited to pilings, walkways, stringers, joists, and moorage platforms.

Dock, Existing. A legally established dock maintained and kept in good working order.

Dock Expansion. An increase in the surface area of a dock or number of piling.

Dock Bumpers. A vertical material, consisting of periodic strips installed at regular intervals in the moorage area to prevent small boats from drifting under the dock, which is designed as part of the dock, and is intended to protect users from hazards created at variable water heights and to prevent dock and watercraft wear or damage. Dock bumpers do not extend below the established ordinary high water mark.

Dock Surface. The floor or walking surface of a dock walkway or moorage platform.

Ecological Functions. Means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-201 (2)(c)

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

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

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

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

Hand-Operated Equipment. Means equipment or tools held in a person's hand for operation, including power-operated garden tools such as lawn mowers (non-riding), power-edgers, string trimmers, garden cultivators, rototillers, and leaf blowers. Hand-operated equipment does not include equipment such as riding lawn mowers, dump trucks, bulldozers, or front-end loaders.

Height is the vertical distance measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or to the ridge of a pitched roof; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included; provided further, that temporary construction equipment is excluded in this calculation. Residential uses in single family land use districts are required to meeting the building height definition of LUC 20.50.012 and the maximum in building height requirements of LUC 20.20.010 and Note 44, now or as hereafter amended.

Comment [cvh2]: Internal consistency with general land use code provisions adopted as a component of Neighborhood Livability

Light Penetrable Materials, Dock. Construction materials that allow the passage of light. Light penetrable materials include, but are not limited to, grating, skylights, and translucent fabrics and panels.

Marina, Private. Uses at a private marina include boat moorage, boat storage, boat maintenance, boat repair, retail boat and parts sales, boat launching, administration and facility offices, retail sale of boating-related items (including food and beverage), restrooms, and facility parking. Marinas also provide parking areas for automobiles, waste collection, boat sales or rental activities, retail establishments including vessel fueling services, and boat repair or servicing facilities. The Marina use is not intended to support heavy commercial and industrial uses; however, limited non water-oriented commercial uses should be allowed when part of a mixed-use marina development that incorporates public access and ecological restoration.

Marina, Public. A public marina use is a publically-owned, recreational boating facility where the primary emphasis is to provide moorage and grant public access to water-oriented recreation. Public marinas are allowed only through approval of a Park Master Plan that provides oversight to the development and operation of the marina, including the range of uses allowed. Public marinas may provide parking areas for automobiles, administration and facility offices, waste collection, rental activities, and other recreational boating activities, including minor boat repair to moored vessels.

Minimum Necessary, Dock. The minimum overwater area and length needed to provide the intended function of the structure.

Nonwater-Oriented Uses. Means any use not identified as water-oriented.

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

Public Access. Means the ability of the public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

Public Access Improvements. Improvements integrated into a project design intended to enhance the ability of the general public to reach, touch, or enjoy the waters associated with shorelines of the state. Improvements may include a combination of beaches, trails, sidewalks, view platforms, benches, lighting, docks, and signage provided such improvements do not impact existing ecological functions.

Reconfiguration, Dock. A modification to the location, footprint or layout of an existing dock.

Replacement, Dock. The reconstruction of an existing dock in the same location and same configuration.

Shorelands and Shoreland Areas. Shorelands and shoreland areas are those areas extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands associated with the streams and lakes.

Shoreline Areas and Shoreline Jurisdiction. Shoreline areas and shoreline jurisdiction means all shorelines described in LUC 20.25E010.C.2, "shorelines of the state," and "shorelands."

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

Shoreline Functions. See "ecological functions."

~~**Shoreline Greenscape.** All living plant, tree, hedge, and shrub material located in the shoreline structure setback required by LUC Chart 20.25.E.065.F. Beach area, soft~~

Comment [cvh3]: Edited in response to Council direction regarding setbacks and vegetation conservation September 2014

~~shoreline stabilization and angled rock revetments installed as replacement for vertical shoreline stabilization shall be considered Shoreline Greenscape. Hardscape materials, whether pervious or impervious by design, shall not be considered greenscape, except that shoreline stabilization that was legally established before [INSERT EFFECTIVE DATE of ordinance] shall not be considered hardscape.~~

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

Shorelines of Statewide Significance. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark and those natural rivers or segments thereof where the mean annual flow is measured at one thousand cubic feet per second or more. Shorelines of statewide significance in Bellevue include lakes Sammamish and Washington.

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

Shoreline Vegetation, Existing. All living plant, tree, hedge, shrub and groundcover material located in the shoreline structure setback required by LUC Chart 20.25.E.065.F as of [INSERT EFFECTIVE DATE of ordinance].

Comment [cvh4]: Edited in response to Council direction regarding vegetation conservation September 2014. Modeled after the Planning Commission definition of greenscape.

Skirting, Dock. An architectural feature of a dock designed to hide the structural elements by extending below the established ordinary high water mark.

Structure. A combination of materials constructed and erected permanently or temporarily on or under the ground or attached to something having a permanent location on, above, or below the surface of the ground or water. Not included in the definition of structure are vessels, shoreline stabilization, docks, residential fences, retaining walls less than 30 inches in height, rockeries less than 30 inches in height, and similar improvements of a minor character.

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

Water-Dependent use. A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

Water-Enjoyment use. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

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

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

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

Wetland. Refer to LUC 20.25H

Comment [HB5]: DOE requested minor edits
September 2013

Yacht Club. A yacht club is a water-dependent recreational boating club that provides water access and moorage to the club's members and guests. Uses at a yacht club include boat moorage, social gathering space and facilities, small boat storage and launching, sanitary waste collection, service and repair to moored boats, member and guest parking, and typical yacht club social activities including food and beverage services for members and guests, social gatherings, and meetings. Additional activities may include cultural, educational, and charitable elements related to recreational boating, including hosting of water-related public/private organizations and events, boating and sailing instructions, and providing water enjoyment experiences to some who would not have access to the water. Yacht Clubs are not intended to support commercial, industrial, mixed-use, or general public access, except as required by the SMP.