

COUNCIL SHORELINE MASTER PROGRAM UPDATE – CODE DRAFTING OPTIONS MATRIX

REQUESTED REGULATORY ALTERNATIVES	OPTIONS
1. Determination of OHWM: Clarify that individual determination can “only be undertaken at the sole direction of the applicant.” [December 1 Study Session; Robertson]	<u>Option 1.</u> Add language in base document at LUC 20.25E.065.E.1.b to clarify that individual determination can “only be undertaken at the sole direction of the applicant.” [Staff Option]
2. Create more nuanced mitigation menu and add rain gardens/swales. [December 1 Study Session; Stokes and Robertson]	<u>Option 2a.</u> Adds some additional nuance between non-native plantings that are located between 0-25 feet from OHWM (value of 0.3) and between 25-50 feet from OHWM (value of 0.25) and add water quality rain gardens/swales. Land cover values were selected to limit complexity of this safe harbor option. Water quality rain garden/swale was added to the mitigation menu option with a value of 0.4 and implementation footnote that requires installations to follow the Western Washington Rain Garden Handbook for Region 3. [Staff Option] <u>Option 2b.</u> In addition to additional nuance described in Option 2a, provide a line item for mown lawn, annual or perennial gardens, and noxious species/weeds (value of 0.1), and provide a line item for bare ground or pervious features (value of 0.15). Promote rain garden option more by giving it a value of 0.7 to 1.0. [January 11; Robertson]

3. Recording of Mitigation Credits: should be optional at applicant's discretion. [December 1 Study Session; Robertson]	<u>Option 3.</u> Amend Planting Plan requirement of LUC 20.25E.065.F.8.i to provide an avenue for applicants to record mitigation credits at their discretion (would remove requirement to record). [December 1 Study Session; Robertson]
4. Allow replacement of removed significant trees to occur anywhere within shoreline jurisdiction (0-200 feet of OHWM) [December 1 Study Session; Robertson]	<u>Option 4a.</u> Amend LUC 20.25E.065.F.8.c.iii to allow additional flexibility in the placement of trees within 200 feet of OHWM. • For impacts to significant trees within 0-25' from OHWM, mitigation shall be provided anywhere between 0-50' from OHWM. • For impacts to significant trees between 25-50' from the OHWM, mitigation shall be provided at the same proposed mitigation standards for size and number, but trees may be placed anywhere within shoreline jurisdiction (0-200') as long as at least one tree is placed within 0-50' from the OHWM. This results in the following mitigation scenario: ○ 8-10 inches: mitigation at 1:1. Planting of one tree within 0-50' ○ 10-16 inches: mitigation at 2:1. One tree planted within 0-50' and the other tree planted anywhere within shoreline jurisdiction ○ Greater than 16 inches: mitigation at 3:1. One tree planted within 0-50' and two trees planted anywhere within 0-200' [Staff Option]

	<u>Option 4b.</u> Allow replacement of removed significant trees to occur anywhere within Shoreline Jurisdiction (0-200 feet of OHWM) without limitation. [December 1 and January 11; Robertson]. Provide credit for planting native trees anywhere within shoreline jurisdiction. [January 11; Robertson]
5. Provide mitigation credits for dock grating. [December 1; Robertson]	<u>Option 5a.</u> Dock grating would be added as a new paragraph to LUC 20.25E.065.F.8 and given a fixed mitigation credit instead of being included in the Shoreline Land Cover Types and Values menu in Option 5b. Dock resurfacing can improve ecological function, but it is not a type of Shoreline Land Cover that meets the nexus and rough proportionality objectives of the menu option table. • Replacement of solid decking with grated decking in the near-shore 30 feet would be given a 50 unit credit. • If the entire dock is resurfaced with grated decking, an additional credit of 25 units would be provided. [Staff Option] <u>Option 5b.</u> Dock grating would be added to the Shoreline Land Cover Types and Values in Chart 20.25E.065.F.8.d . • Replacement of solid decking with grated decking in the near-shore 30 feet would be given a 50 unit credit. • If the entire dock is resurfaced with grated decking, an additional credit of 25 units would be provided. [January 11; Robertson]

6. Provide vegetation removal exception for vermin control [December 11; Robertson]	<u>Option 6.</u> Option would require new section to exempt property owners from mitigation requirements when vegetation impacts are undertake to control vermin. [December 11 and January 11; Robertson]
7. Noxious weeds should not be protected. [December 1 Study Session; Robertson]	<u>Option 7.</u> Noxious weeds are not protected by the December 1 version of the draft SMP. That said, any vegetation does have some amount of water quality and habitat benefit. All vegetation has been given a value of at least 0.2, which is the same as bare ground. Clarifying language was provided in LUC 20.25E.065.F.12 of the base document to ensure removal of noxious weeds does not create erosion or sedimentation impact. [Staff Option]
8. Create Minor Expansion Exemption for Primary Structure like Mercer Island [December 11, Robertson] Relate minor modification to a percentage of square footage located within 50' of OHWM [December 11; Chelminiak]	<u>Option 8a.</u> A one-time 200 square-foot lateral expansion of an existing structure or impervious surface in the area between 25-50 feet from the OHWM would be provided without the need for mitigation. The expansion could not be closer to the OHWM than the existing structure, and impacts to significant trees would still need to meet the mitigation requirement. This option would require council to adopt the code amendment to LUC 20.25E.065.E. [Staff Option] <u>Option 8b.</u> Minor Expansion Exception Option 8a was modified to include a sliding trigger when vegetation modification exceeds 5% of the area between 0-50' from OHWM. Lots less than 80 feet in width would opt to use the 200 square feet

	exception value, whereas lots greater than 80 feet in width would likely opt to use the 5% value to calculate the size of exception allowed. [Staff Option] <u>Option 8c.</u> A one-time 500 square-foot expansion of an existing structure or impervious surface in the area anywhere within shoreline jurisdiction would be provided without the need for mitigation. [January 11; Robertson] <u>Option 8d.</u> Create a variation to the percentage sliding scale provided in Option 8b above based on lineal feet of frontage, such as a 5 square foot exception per frontage foot up to a maximum exception of 600 square feet. [January 11; Robertson]
9. Add administrative modification process from vegetation regulations for odd or substandard lots [December 1 Study Session; Robertson]	<u>Option 9.</u> This option would require council to adopt an amendment to LUC 20.25E.065.F.4 which would allow provisions to be administratively modified by the Director in order to address oddly shaped or substandard sized lots. [Staff Option]
10. Do not require permit for landscape modifications that do not include significant tree removal or addition of impervious surface. [December 1; Robertson and Chelminiak]	<u>Option 10b.</u> Apply city-wide clearing and grading permit thresholds of 1000 square feet of disturbance for vegetation modification within shoreline jurisdiction (0-200' from OHWM). Permit would be required for any amount of new structure or impervious surface, and for removal of any significant tree. [Staff Option]

	<u>Option 10b.</u> Apply city-wide clearing and grading permit thresholds of 1000 square feet of disturbance for vegetation modification within shoreline jurisdiction between 10-200' from OHWM. Within 0-10' from OHWM a permit would be required for vegetation modification that exceeds 200 sf in size. Permit would be required for any amount of new structure or impervious surface, and for removal of any significant tree. [January 11; Robertson]
11. Limit vegetation modifications in only the first 10 feet from OHWM [December 2 Robinson and December 11 Robertson]	<u>Option 11a.</u> Create a 10' restricted area from OHWM rather than a 50' restricted area for vegetation modifications that do not include impervious surface changes or removal of significant trees. Change the "shoreline vegetation impact" to apply only in the area within 0-10' from OHWM and leave landscape modifications within 10-50' unregulated. [January 11; Robertson] <u>Option 11b.</u> Create a 10' restricted area from OHWM rather than a 50' restricted area for vegetation modifications that do not include impervious surface changes or removal of significant trees. Apply the 200 sf exception from the requirement to provide mitigation in the 1-10 'area from OHWM and a 1000 sf exception from the requirement to provide mitigation in the 10-50 area when a grading permit is required. [January 11; Robertson]

	<u>Option 11c.</u> Exempt landscape modifications from the requirement to provide mitigation when less than 20% of the area between 0-50' from OHWM is disturbed. [January 11; Robertson]
12. Vegetation Conservation Area sounds like a “no touch buffer.” Describe the 50’ distance from OHWM as a “mitigation activation line.” [January 11; Robertson]	<u>Option 12.</u> Council could direct staff to use different terminology, and staff would search for the term Vegetation Conservation Area and replace with Council-desired description. [Staff Option]
REQUESTED NON-REGULATORY ALTERNATIVES	
1. Provide draft of the “programmatic element” with the next code version [December 1 Study Session; Stokes, Robertson]	The programs administered by the City outside the scope of the SMP regulatory structure are given credit to help achieve no net loss when the Cumulative Impacts Analysis (CIA) is undertaken. The Watershed Company will be finalizing the CIA once the Council adopts its final SMP for transmittal to the Department of Ecology. The following programmatic elements were included in the Working Draft of the CIA that was provided to Council when they began review of the SMP in 2014. • Storm and Surface Water Utility Code • The Utilities Department also sponsors several outreach and education programs, which help fulfill its obligations under its Phase II Municipal Stormwater Permit, including the Stream Team Program, Natural Neighborhoods Program, Northwest Natural Yard Days, Residential Pollution Prevention Education, Closed Loop Oil Program, and the Waterwise Demonstration Program. • Capital Investment Program

	- Other State regulations also provide protections to City shorelines, including: - Aquatic Lands Act - Hydraulic Code - State Environmental Policy Act - Watershed Planning Act - Water Resources Act - Salmon Recovery Act - Other federal rules also apply, including: - Clean Water Act - Endangered Species Act - Rivers and Harbors Act [Cumulative Impact Analysis; March 2014 and to be included in Final CIA with transmittal to Ecology]
2. City support needed for applicants to make applicant compliance less burdensome [December 1 Study Session; Robinson]	Notebook of tips and standard plans to be developed for customer assistance with SMP compliance (like Critical Areas Handbook) [To be completed following adoption of the SMP by Council]
3. Coordination with King Conservation District [December 1 Study Session; Stokes]	Staff coordinating with KCD staff to administer program in Bellevue that would provide incentives for property owners to plant native vegetation. Provides opportunity for shoreline property owners to obtain grant funding for projects that increase shoreline function. This program would be in addition to the mitigation credits available in the SMP. [Ongoing coordination with KCD]

4. Voluntary urban native vegetation garden program. This would entail the creation of a City program to encourage voluntary conversion from non-native vegetation to nature vegetation in urban landscaping. [January 11; Robertson]	Council could create such a program in addition to KCD program and allocation funding to support it.
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7. Voluntary Urban Native Vegetation Program [January 11; Robertson]	Voluntary urban native vegetation garden program. This would entail the creation of a City program to encourage voluntary conversion from non-native vegetation to nature vegetation in urban landscaping. Council could create such a program in addition to KCD program and allocation funding to support it.

