

Shoreline Master Program

U P D A T E



June 23, 2014



Meeting Objectives

- Detailed review of Planning Commission Recommendation on specific topic areas:
 - Critical Areas (including Floodplain)
 - Residential Moorage
 - Residential Shoreline Stabilization

SMP Completion Plan

- ✓ **March 10:** Endorse SMP Completion Process and receive PC Recommendation
- ✓ **April 14:** High level review PC Recommendation
- ✓ **April 28:** Review the Cumulative Impact Analysis prepared by Watershed Co.
- ✓ **May 5:** Public Hearing on SMP Update Package
- May – Early June:** In-depth review of substantive topic areas:
 - ✓ • Public Access, Lake Levels, Nonconforming/Existing Uses (May 12)
 - ✓ • Setbacks/Buffers (May 27)
 - ✓ • Vegetation Conservation (June 9)
 - Critical Areas, Moorage, and Shoreline Stabilization (June 23)
- July:** Development of Council SMP Update Package for Public Hearing and transmittal to Ecology

Materials Available online at: <http://www.bellevuewa.gov/draft-smp-update.htm>

Updated SMP Completion Plan

- June 23: Council completes in-depth review
- July 14: Council develops package for Public Hearing
- August 4: Council holds Public Hearing
- September 8: Council provides direction on package for submittal to Ecology
- Next Steps (timing depends on final Council direction)
 - Staff prepares Code Draft and SEPA
 - Consultant prepares Cumulative Impact Analysis

Meeting Approach for In-Depth Review

- Range of Options Considered by PC
- Concerns raised by Stakeholders
- Council discussion and direction

Critical Areas

Current Regulations

- Current Regulations
 - Streams
 - Wetlands
 - Shorelines
 - Geologic Hazard Areas
 - Habitat Associated with Species of Local Importance
 - Areas of Special Flood Hazard
- Rationale for Current Regulations
 - Focused on “protection”
 - Buffers and mitigation
 - Based on Best Available Science and an EIS
 - Predictability/Certainty
 - Safe harbor
 - Departures based on science

Critical Areas Regulated in SMP

- Requirements - incorporated by reference
 - Streams
 - Wetlands
 - Geologic Hazard Areas
 - Habitat Associated with Species of Local Importance
 - Areas of Special Flood Hazard
 - Shoreline no longer regulated as critical area
- Distinction from Current Regulations
 - Drafting Change: Critical areas are regulated in SMP
 - Substantive Change: Greater flexibility provided to achieve competing shoreline goals of shoreline access and recreation

Critical Areas Regulated in CAO (with Floodplain changes)

- Requirements – incorporated by reference
 - Streams
 - Wetlands
 - Shorelines
 - Geologic Hazard Areas
 - Habitat Associated with Species of Local Importance
 - Areas of Special Flood Hazard – with amendments to areas in shoreline jurisdiction
- Distinction from Current Regulations
 - Drafting Change: Critical areas are regulated in SMP
 - Substantive Change: Floodplains located in Shoreline Jurisdiction may be developed without demonstrating that development in floodplain is necessary to achieve “Reasonable Use” of property

Stakeholder Concerns Raised

Critical Areas

- Layering of regulations
- Equitable application of critical area regulations city-wide
- Equal protection of critical areas in SMP
- Protection of fish and wildlife habitat for species of local importance
- No net loss
- Timing of floodplain revisions vis-à-vis critical areas update and FEMA litigation
- Inclusion of substantive changes in conformance amendments

Range of Options PC Considered

Critical Areas (CA)

	CA in shoreline jurisdiction regulated in CAO (Shorelines are a CA) Current Regulation	CA in shoreline jurisdiction regulated in SMP	*CA in shoreline jurisdiction regulated in CAO (Shorelines not a CA)
SMA/SMP Guideline Compliance	<ul style="list-style-type: none"> Traditional Critical Areas (streams, wetlands, steep slopes, habitat associated with species of local importance, floodplains) and Shorelines regulated in CAO 	<ul style="list-style-type: none"> Shorelines regulated in the SMP based on analysis of functions provided by existing conditions Traditional Critical Areas regulated in the SMP by incorporated CAO by reference 	Requirements governing floodplains modified in shoreline jurisdiction: <ul style="list-style-type: none"> Potential for net loss Consistency with SMA RCW 90.58.090 Comprehensive Plan Consistency
Constitutional Issues/Takings	<ul style="list-style-type: none"> Reasonable use exception 	<ul style="list-style-type: none"> Reasonable use exception 	Floodplain application: <ul style="list-style-type: none"> Equal Protection/Fairness Substantive Due Process Reasonable Use applies to non-floodplain critical areas
Ease of Use	<ul style="list-style-type: none"> Prescriptive regulations offer safe harbor Deviation options provided Traditional CAs and Shorelines regulated consistently city-wide 	<ul style="list-style-type: none"> Prescriptive regulations offer safe harbor Deviation options provided Traditional CAs regulated consistently city-wide 	<ul style="list-style-type: none"> Prescriptive regulations offer safe harbor Deviation options provided CAs other than floodplains regulated consistently city-wide

* Planning Commission Recommendation

Residential Moorage

Current Regulations

- Current Regulations

- Maximum dock dimensions - 150 feet in length and 480 sf of area.
- New docks and repairs greater than 50% of a dock structure are required to comply with new standards and provide 10 feet of mitigation planting adjacent to OHWM
- Up to 50% of an existing dock structure can be totally replaced as “maintenance”
- Up to 100% of the decking can be replaced without triggering standard compliance
- A single boat lift is permitted per dock and one translucent canopy may be installed
- New boathouses are prohibited.
- Setback- 12 feet unless reduced in a recorded agreement with neighbor

- Rationale for Current Regulations

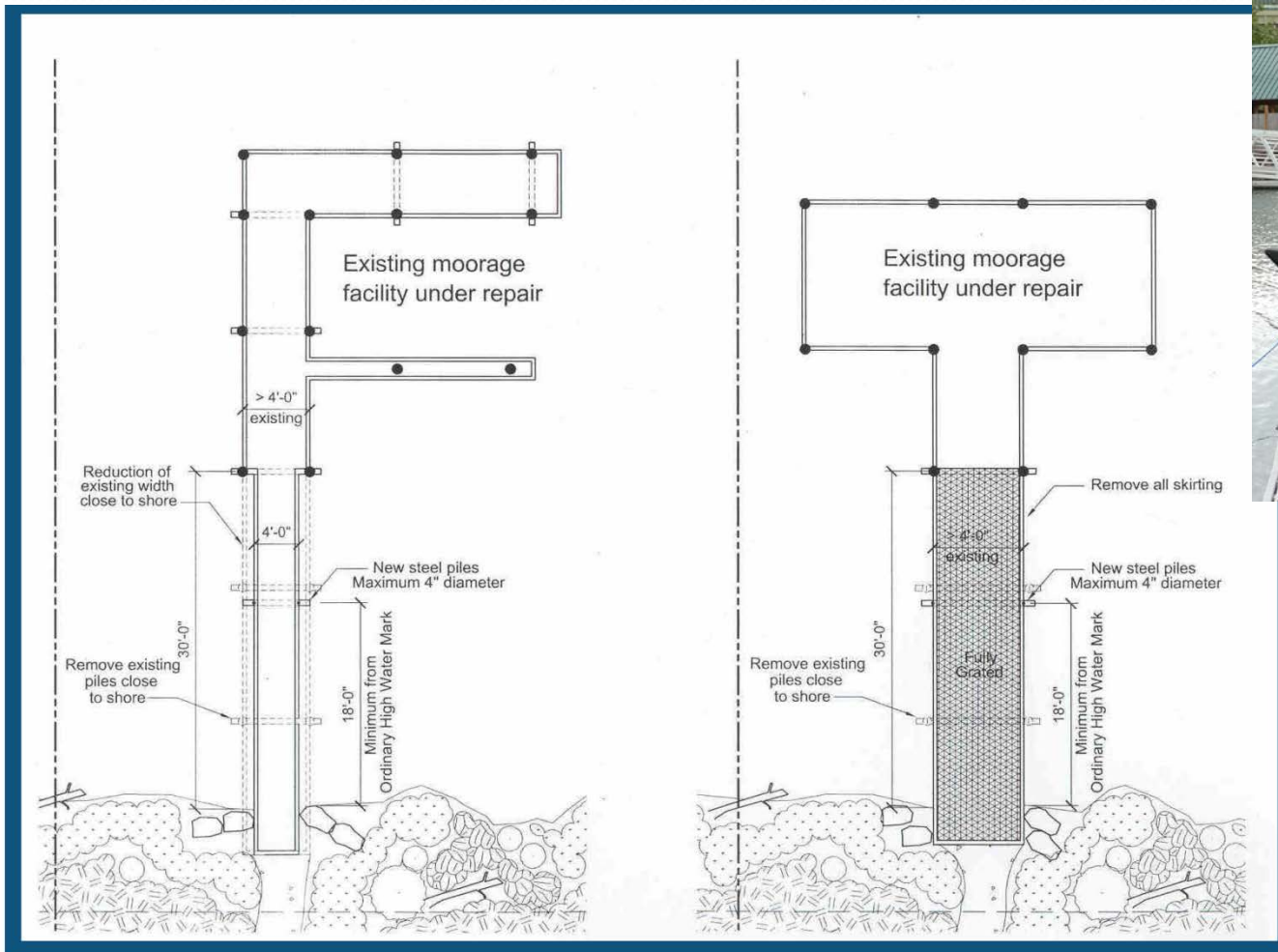
- Standards generally align with Army Corps of Engineers
- Developed as a component of the Critical Areas Update
- Focused on “protection”
- Predictability/Certainty
 - Safe harbor
 - Departures based on science (Critical Areas Report)

The diagram illustrates a proposed dock system for a lake. Key features and specifications include:

- Property Lines:** Indicated by solid lines at the top and bottom of the plan.
- Shoreline:** The existing shoreline is shown on the left, with a dashed line indicating the "New Shoreline Planting" area. A "12'-0\" Side Yard Setback" is marked from the top property line to the new shoreline.
- Mooring Piles:** Two piles are shown, with a "30'-0\" Minimum" spacing between them and the new shoreline.
- Float:** A rectangular structure measuring 20'-0\" Maximum in length and 6'-0\" Max. in width. It is labeled "Grated" and "Float (Water depth 10' min.)".
- Finger Pier:** A structure extending from the float, measuring 18'-0\" from the float to the end. It is labeled "Fully Grated" and "Minimum pile spacing 18'-0\"". The total length from the float to the end of the pier is 30' Minimum.
- Boat Lift:** Located at the end of the finger pier, measuring 2'-0\" in width. It is labeled "Boat Lift (Water depth 9' min.)".
- Ells:** A structure at the end of the pier, measuring 26'-0\" Max. in length and 6'-0\" in width. It is labeled "Ells (Water depth 9' min.)".
- Other Details:** A "WALK" is shown along the shoreline. A note states "New construction shall not exceed 480 sq.ft.".

Residential Moorage

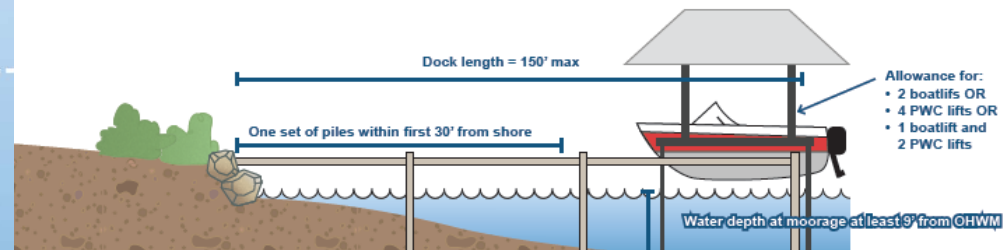
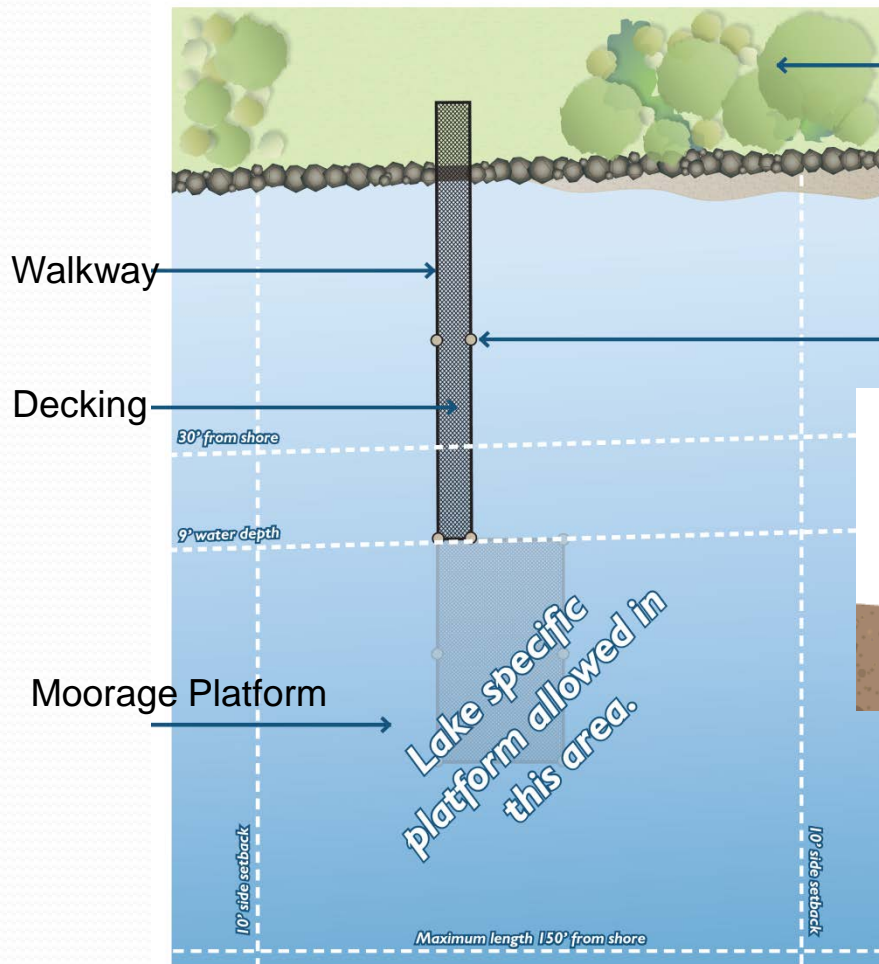
Current Regulations



Residential Moorage (Flexible Design Option)

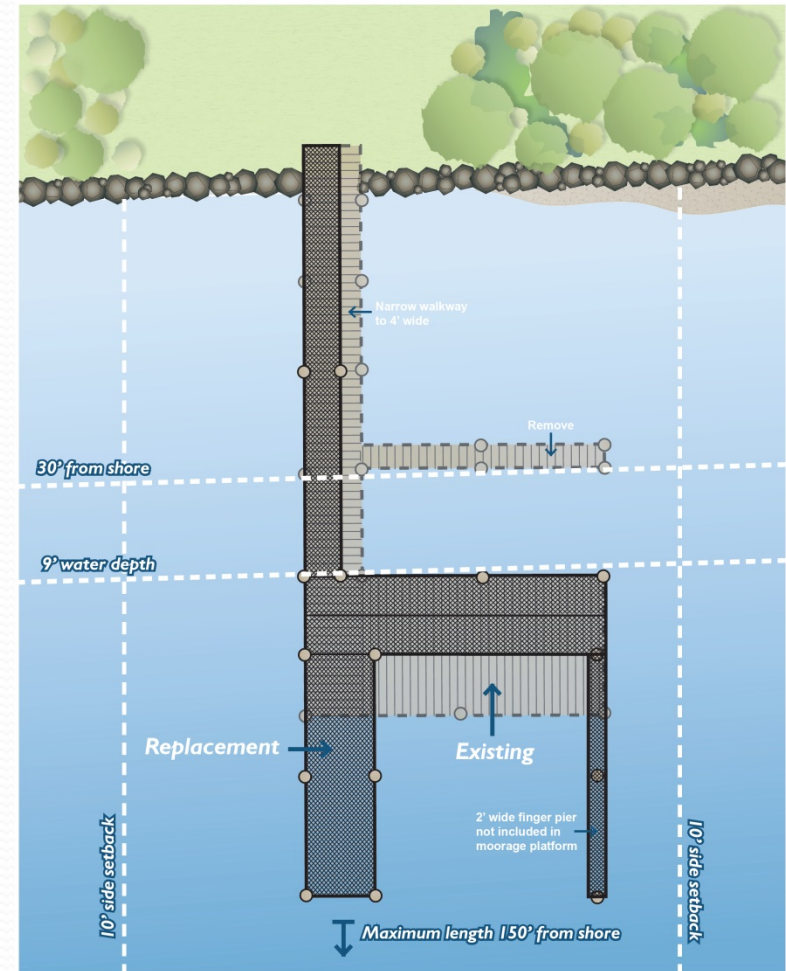
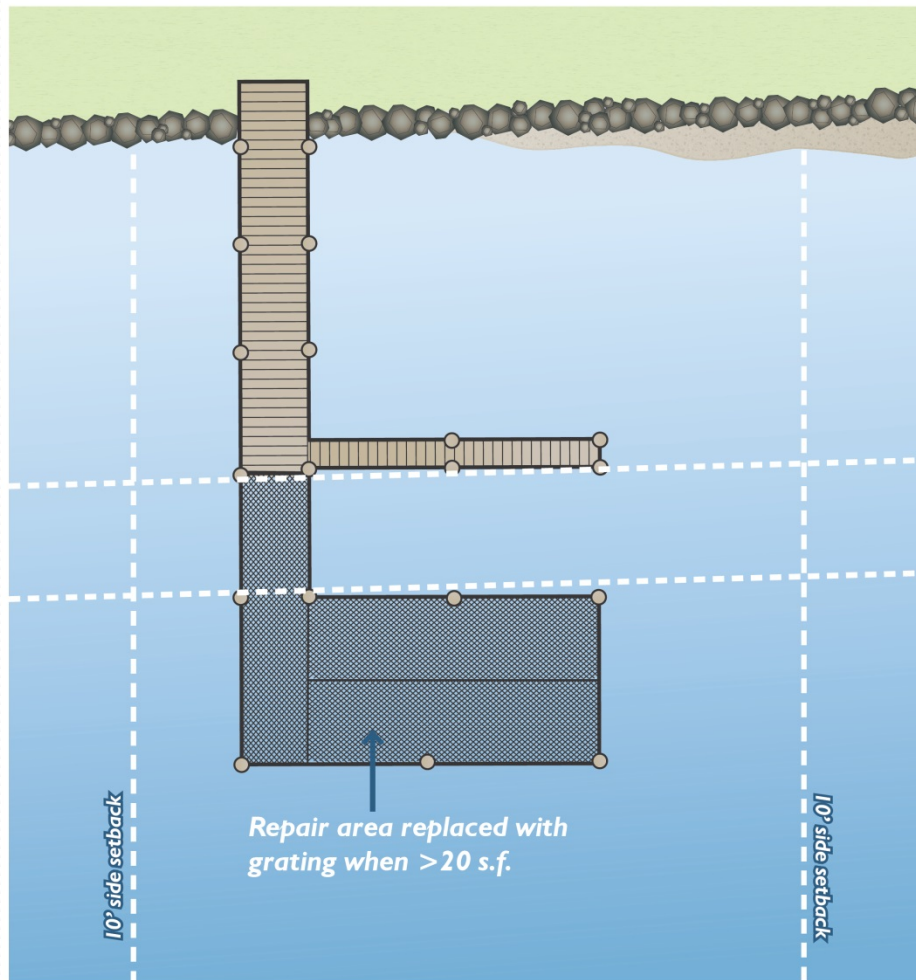
- Flexible Design Option
 - Maximum dimensions for new docks
 - 150 feet in length (100 feet for Phantom Lake)
 - Platform Maximum Area: 350 sf Lake Washington; 250 sf Lake Sammamish.
 - Expansions and reconfigurations can retain existing platform size, but must meet other new dock standards
 - Repairs allowed without complying with new dock dimensional standards
 - Two boat lifts are permitted per dock and one translucent canopy may be installed.
 - New boathouses are prohibited.
 - Setback- 10 feet unless reduced in a recorded agreement with neighbor
- Distinction from Current Regulations
 - Substantive Changes:
 - Fixed platform size, flexible total area
 - Repair more clearly defined
 - Allows for an additional boat lift (2 total)
 - Setback decreased (from 12' to 10'), and measured from structures attached to dock (such as boatlifts)

Residential Moorage Flexible Design Option



Residential Moorage

Flexible Design Option



Residential Moorage

(Departures with WDFW/USACE Approval)

- Departures with WDFW/USACE Approval
 - Maximum dimensions for new docks
 - 150 feet in length (100 feet for Phantom Lake)
 - Maximum Area: 480 sf Washington/Sammamish (250 sf Phantom/100 sf Newport Canals)
 - Existing legally-established residential docks may be repaired or replaced in the existing configuration up to 100 percent of the structure
 - Four boat lifts are permitted per dock and one translucent canopy may be installed.
 - New boathouses are prohibited.
 - Setback- 10 feet unless reduced in a recorded agreement with neighbor
- Distinction from Current Regulations
 - Substantive Changes:
 - Total repair and replacement permitted without proportionate or full compliance
 - Allows for three additional boat lifts (4 total)
 - Setback decreased (from 12' to 10'), and measured from structures attached to dock (such as boatlifts)
 - No mitigation sequencing required

Stakeholder Concerns Raised

Residential Moorage

- Adequacy of dock size to support recreational boating and water-use activities;
- Adequacy of dock dimensions to provide safe and stable watercraft access;
- Layering of dock construction regulations between the City, State Department of Fish and Wildlife, and the United States Army Corps of Engineers;
- Unique mitigation requirements imposed by the City are inappropriate and unnecessary given state and federal oversight;
- Allowance of both increased overwater coverage and in-kind replacement anticipated to result in a net loss of shoreline ecologic function.

Range of Options PC Considered

Residential Moorage

	Performance Standards for Residential Moorage (Current Code)	Performance Standards for Residential Moorage (Flexible Design Option)	*Performance Standards for Residential Moorage (Alternative allowed based on WDFW and USACE Approval)
SMA/SMP Guideline Compliance	<ul style="list-style-type: none"> 10 feet of Native Vegetation required waterward OWHM for new dock installations 		<ul style="list-style-type: none"> Full repair and replacement required without complying with new standards Departures from SMP allowed with WDFD or Corp approval and without variance from Ecology No mitigation sequencing required
Constitutional Issues/Takings			
Ease of Use	<ul style="list-style-type: none"> Critical Areas Report required to depart from standards 	<ul style="list-style-type: none"> Shoreline Special Report required to depart from standards 	<ul style="list-style-type: none"> Variance Administration between agencies may not work smoothly in practice

* Planning Commission Recommendation

Residential Shoreline Stabilization (Current Regulations)

- Current Regulations
 - New or enlarged allowed to protect existing primary structures.
 - Soft shoreline stabilization (such as beach enhancement, anchor trees, large rocks or plantings) required unless soft shoreline measures are not technically feasible.
 - Hard shoreline stabilization located at or behind the OHWM; but soft shoreline stabilization measures may be located waterward of the OHWM.
 - Height of new or expanded hard stabilization $\leq 30"$, increased height approved if not negatively impact abutting properties, necessary to protect existing primary structure or land area.
 - A mitigation and restoration plan required.
- Rationale for Current Regulations
 - Based on Shoreline Update Guidelines

What Does Shoreline Stabilization Look Like?



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What Does Shoreline Stabilization Look Like?



What Does Shoreline Stabilization Look Like?



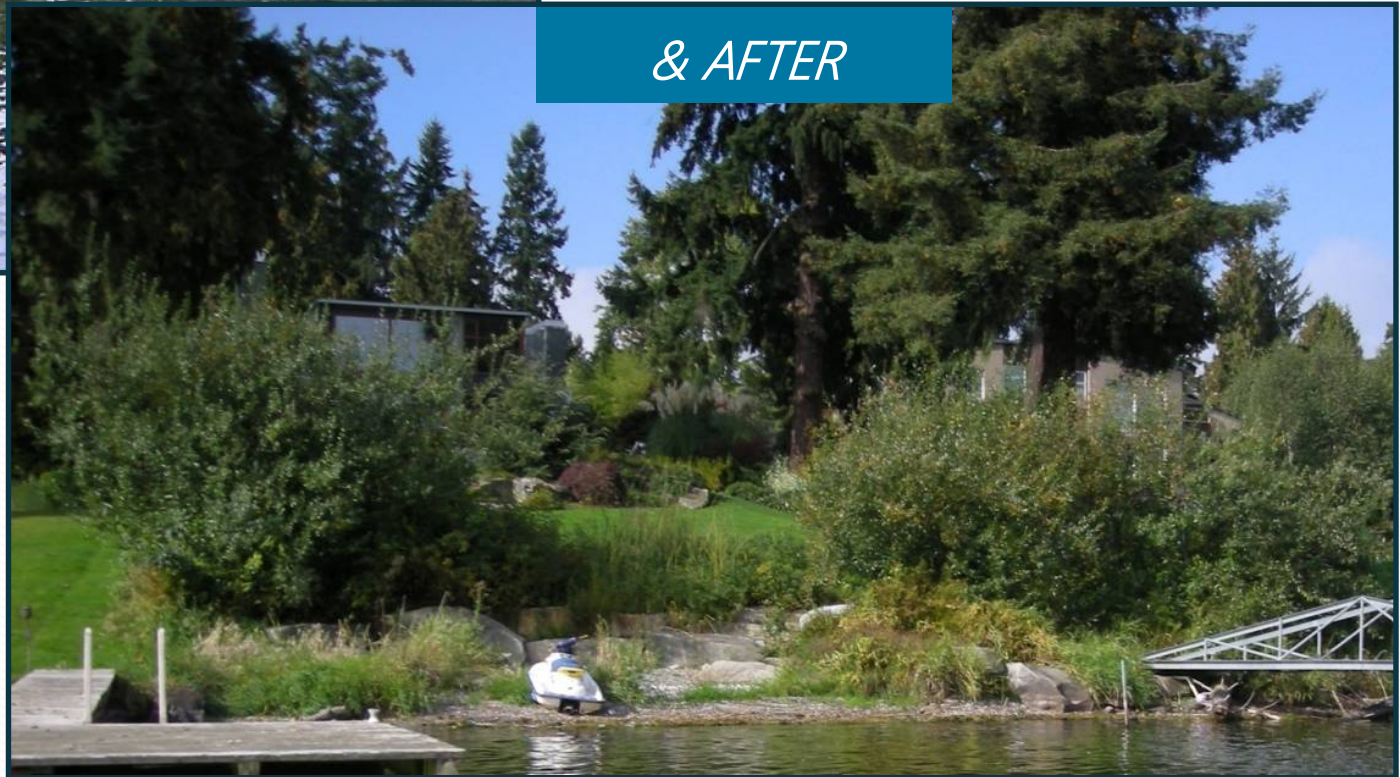
What Does Shoreline Stabilization Look Like?



Examples



& AFTER



Examples



Examples



BEFORE



Examples

& AFTER



Examples



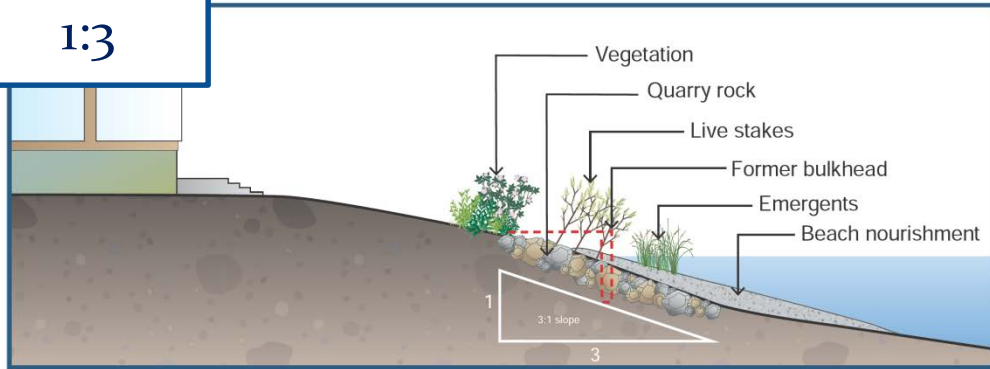


Examples

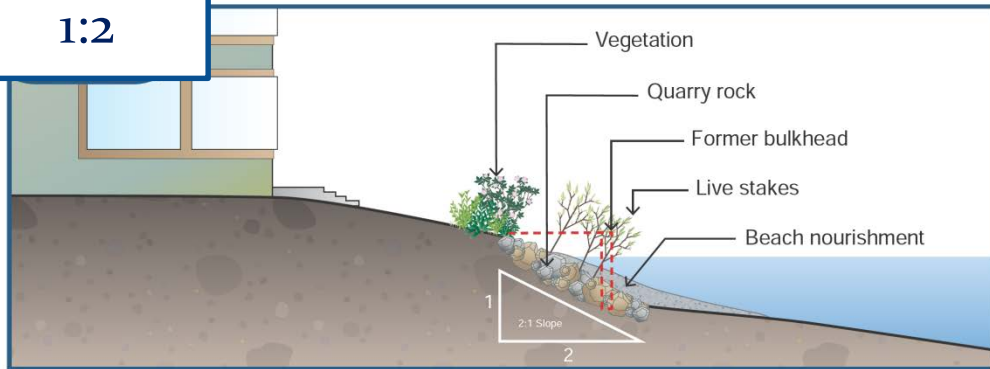


Residential Shoreline Stabilization

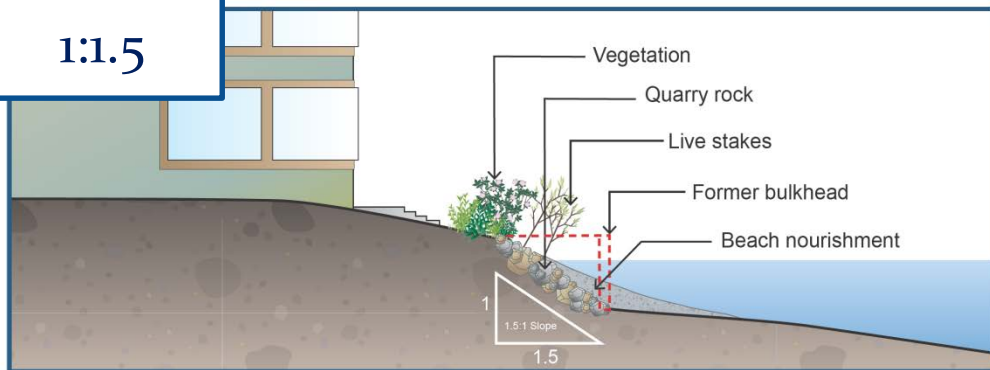
1:3



1:2



1:1.5



Residential Shoreline Stabilization (Replacement Threshold)

- Replacement Threshold
 - New or enlarged stabilization allowed to protect existing primary structures.
 - Soft shoreline stabilization (such as beach enhancement, anchor trees, large rocks or plantings) required unless soft shoreline measures are not technically feasible.
 - Hard shoreline stabilization located at or behind the OHWM; but soft shoreline stabilization measures may be located waterward of the OHWM.
 - Height of hard stabilization $\leq 30''$, increased height approved if not negatively impact abutting properties, necessary to protect existing primary structure or land area.
 - A mitigation and restoration plan required.
- Distinction from Current Regulations
 - Substantive Changes:
 - Height can be up to 48'' (increased from 45'')
 - Reconstruction and replacement of up to 50% of structure allowed as repair
 - Reconstructions greater than 50% treated as new stabilization structure
 - Deviations allowed with Shoreline Special Report and demonstration of No Net Loss

Residential Shoreline Stabilization (Full Replacement Allowed)

- Full Replacement Allowed
 - New or enlarged stabilization allowed to protect existing primary structures.
 - Soft shoreline stabilization (such as beach enhancement, anchor trees, large rocks or plantings) required unless soft shoreline measures are not technically feasible.
 - Hard shoreline stabilization located at or behind the OHWM; but soft shoreline stabilization measures may be located waterward of the OHWM.
 - Height of new or expanded hard stabilization shall be minimum necessary up to 48"
 - A mitigation and restoration plan required.
 - All existing shoreline stabilization presumed necessary on Lake Washington and Sammamish
- Distinction from Current Regulations
 - Substantive Changes:
 - Height can be up to 48" (increased from 45")
 - Total repair and replacement permitted of existing hard stabilization permitted
 - No showing of necessity required for replacement of existing structures
 - Vertical bulkheads must be replaced 1:1 slope angled riprap revetment

Stakeholder Concerns Raised

Residential Stabilization

- Need for shoreline stabilization measures to protect property;
- Demonstration of need shown by persistent wave action on Lake Sammamish and Lake Washington;
- Wave reflection damage created by vertical bulkheads;
- Requirement for geotechnical analysis to demonstrate need;
- Use of mitigation sequencing in approval of shoreline stabilization measures (avoid first, and minimize size if avoidance is not possible).

Range of Options PC Considered

Residential Stabilization

	Performance Standards for Stabilization (Current Code)	Performance Standards for Stabilization (Increased Guidance with Replacement Thresholds)	*Performance Standards for Stabilization (Increased Guidance with Replacement of Existing Allowed)
SMA/SMP Guideline Compliance	<ul style="list-style-type: none"> No Geotech Report Required 	<ul style="list-style-type: none"> No Geotech Report Required 	<ul style="list-style-type: none"> Legally-established stabilization presumed necessary on Lake Washington and Sammamish No geotech report required
Constitutional Issues/Takings			
Ease of Use	<ul style="list-style-type: none"> Definition of major and minor repair is difficult to understand and apply Critical Areas Report required to depart from standards 	<ul style="list-style-type: none"> Thresholds are more understandable Shoreline Special Report required to depart from standards 	<ul style="list-style-type: none"> Ease to use if departures not necessary Shoreline variance required for departures from standards

* Planning Commission Recommendation

May 27/June 9 Meeting Follow-up

- Buffers/Setbacks - requested two hybrid options:
 - String test added to 50 foot flexible setback in shoreline residential environment
 - String test added to 35 foot fixed setback in shoreline residential environment
- Vegetation Conservation
 - Mitigate for potential net loss of vegetation
 - Enhance user clarity by creating an identifiable setback at 50 feet from OHWM
 - Address unintended consequences of Tailored Shoreline Greenscape option on Newport Canals

Updated SMP Completion Plan

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