

**Town of Hunts Point
Shoreline Master Program**

Working Draft – May 29, 2012

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SMP Draft 11/3/2011

CHAPTER 1: INTRODUCTION

1.1 History and Requirements of the Shoreline Management Act

Washington's **Shoreline Management Act** (SMA), passed by the Legislature in 1971 and adopted by the public in a 1972 referendum, provides guidance for the development of locally adopted Shoreline Master Programs.

The primary goal of the SMA is to “prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.” The area within Hunts Point that is subject to the SMA includes the Lake Washington shoreline and land areas (“shorelands”) that extend 200 feet from the Lake Washington edge of the water, including any biological wetlands associated with either the lake or the shorelands. These areas are collectively referred to as the “shoreline jurisdiction.”

The SMA establishes a broad policy giving preferences to uses that:

Encourage water-dependent uses: “uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines...”

Protect shoreline natural resources, including “...the land and its vegetation and wildlife, and the water of the state and their aquatic life...”

Promote public access: “the public’s opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally.”

The SMA establishes a balance of authority between local and state government. Under the SMA, Hunts Point is required to adopt a Shoreline Master Program (“Program” or “SMP”) that is based on state guidelines but tailored to the specific needs of the community. The Program represents a comprehensive vision of how shoreline areas will be used and developed over time. It is essentially a shoreline-specific combined comprehensive plan, zoning ordinance, and development permit system.

Under the SMA, the Town is responsible for the following:

- Development of a **Shoreline Inventory and Analysis Report** that assesses the natural characteristics and land use patterns along shorelines covered by the Act.
- Preparation of a “**Master Program**” to determine the future of the shorelines. The SMA requires that Master Programs on Shorelines of Statewide Significance, such as Lake Washington, utilize a higher level of effort in implementing its objectives. As stated in the SMA, the City’s Shoreline Master Program “shall give preference to uses in the following order of preference which:
 1. Recognize and protect the statewide interest over local interest;

2. Preserve the natural character of the shoreline;
 3. Result in long term over short term benefit;
 4. Protect the resources and ecology of the shoreline;
 5. Increase public access to publicly owned areas of the shorelines;
 6. Increase recreational opportunities for the public in the shoreline;
 7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
- Development of a **permit system** to further the goals and policies of both the Act and this Master Program.
 - Development of a **Restoration Plan** that includes goals, policies and actions for restoration of impaired shoreline ecological functions. (see Appendix F)
 - Development of a **Cumulative Impacts Analysis** and **No Net Loss Report** that demonstrate that the Master Program will not allow degradation of the Town's shoreline ecological functions as they existed at the time of the inventory.

1.2 Shoreline Master Program Development and Public Participation

Hunts Point's original Shoreline Master Program was adopted in September 1975 (Ordinance 122) in compliance with the SMA. The 2011 Update of the Program has been developed through an extensive Public Participation Outreach Program, conducted by the Town's Planning Commission.

Public participation has been essential to the development of the Program. Both the SMA and Ecology's procedural rules and guidelines require public participation. The SMA states the local government and Ecology shall "not only invite but actively encourage participation" in SMP development (RCW 90.58.130). The procedural rules require local governments to "make all reasonable efforts to inform, fully involve and encourage participation" of interested persons, private entities and local, state and federal agencies (WAC 173-26-090). The Guidelines repeat these mandates, specifically requiring communication with state agencies and affected Indian tribes. (WAC 173-26-201(3)(b)).

To initiate the data gathering that was required for the preparation of the Shoreline Inventory, the Town canvassed dozens of local organizations, as well as government agencies, to collect available information. Recipients of the request were invited to participate in the development of the SMP.

In late 2010, the Town hosted a "Shoreline Open House" to present the results of the Shoreline Inventory and to invite the community to participate in a "Visioning Workshop" in order to provide direction for the goals, policies, and regulations of the SMP. The general consensus of the community is that the existing shoreline characteristics should be retained. Monthly Planning Commission and Town Council meetings have been well attended with lively discussions regarding the SMP.

1.3 How the Hunts Point Shoreline Master Program is Used

The Hunts Point Shoreline Master Program is a planning document that outlines goals and policies for the shorelines of the Town and establishes regulations for development occurring in the shoreline area. In order to preserve and enhance the shoreline of Hunts Point, all development proposals within the shoreline jurisdiction are evaluated for compliance with the Program. The Master Program policies and regulations only apply to “development,” which is defined as 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 overlying lands subject to this chapter at any state of water level.” Some developments may be exempt from a Shoreline Substantial Development Permit, while others may require a Shoreline Conditional Use Permit or Shoreline Variance; however, all proposals must comply with the policies and regulations established by the SMA and the Hunts Point’s Shoreline Master Program.

Shoreline environment designations have been assigned to all areas within the Town’s shoreline jurisdiction. The purpose of the shoreline designation system is to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and provides consideration for the special requirements of that environment. Hunts Point has designated its Lake Washington shoreline under four shoreline environments: Shoreline Residential, Natural, Aquatic, and Stormwater Utility. These environments are described in *Chapter 4: Shoreline Environment Description and Designations* and mapped in Appendix C.

Note for Town: Map being updated per Ecology request to clarify waterward extent of shoreline jurisdiction and assignment of Aquatic designation to the waters.

Persons proposing any projects within the shoreline jurisdiction are required to consult with the Town’s Shoreline Master Program Administrator to determine how the proposal is addressed in the Master Program. The Town’s Shoreline Administrator provides assistance in identifying whether a proposal is considered a development that is subject to the Master Program, and then whether it is exempt from the permit process (Shoreline Exemption) or requires a Shoreline Permit. Requests for Shoreline Substantial Development Permits, Shoreline Variances, and Shoreline Conditional Use Permits are decided by the Town’s Hearing Examiner. All decisions are made through an open record Public Hearing. Requests for Shoreline Conditional Use Permits and Shoreline Variances require final approval by Ecology. Permit criteria and administrative standards are discussed in *Appendix B: Administration*.

A description of the area within the jurisdiction of this Shoreline Master Program is presented in *Chapter 4: Shoreline Environment Description and Designations*.

All definitions specific to this Shoreline Master Program are located in Appendix A.

1.4 Relationship of this Shoreline Master Program to Other Plans

The permitting process for a shoreline development or use does not exempt an applicant from complying with any other local, state, regional or federal statutes or regulations which may also be applicable to such development or use. In Hunts Point, other plans and policy documents that must be considered include the Hunts Point Comprehensive Plan, the Hunts Point Municipal Code and the Department of Ecology Stormwater Design Manual. The regulations of this Master Program are in addition to other adopted Town ordinances, resolutions, and codes. Where conflicts exist between regulations, those that provide more substantive protection to the shoreline area shall apply.

The Shoreline Master Program policies are considered part of the Town's Growth Management Act (GMA) Comprehensive Plan and Shoreline Master Program regulations are considered part of the Town's GMA development regulations. The development regulations in this Shoreline Master Program generally act as an overlay on top of the Town's GMA development regulations. One key area of shoreline regulation addresses critical areas. This Shoreline Master Program contains in Appendix D critical area regulations applicable only in shoreline jurisdiction that provide a level of protection to critical areas assuring no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

CHAPTER 2: SHORELINE MANAGEMENT GOALS

2.1 Shoreline Use Element

Ensure that the land use patterns within shoreline areas are compatible with shoreline environment designations and will be sensitive to habitat, ecological systems, and other shoreline resources.

2.2 Public Access Element

Increase and enhance public access to shoreline properties owned by the Town of Hunts Point for the enjoyment of shoreline amenities, consistent with the natural shoreline character and public safety within the Town's Wetherill Nature Preserve.

2.3 Recreational Element

Encourage water-oriented recreational opportunities within the residential areas of the Town, while protecting the integrity, ecology and character of the shoreline.

2.4 Circulation Element

Maintain the present local transportation system of Hunts Point through an ongoing program of road maintenance. Limit the expansion of roadway surfaces. Minimize the impact of SR 520 on the shoreline environment. Maintain walking trails within the Wetherill Nature Preserve in a manner consistent with protection of the existing ecological functions. Ensure that developments

waterward of the OHWM do not interfere with navigation on and other public uses of Lake Washington.

2.5 Conservation Element

Preserve and protect those features necessary for the support of wild and aquatic life and the fragile shoreline area.

2.6 Historic, Cultural, Scientific, and Educational Element

Identify, protect, preserve, and restore archaeological, historical, and cultural sites located within the shoreline jurisdiction.

2.7 Restoration Element

Shoreline areas with impaired ecological function shall be improved over time.

CHAPTER 3: SHORELINE MANAGEMENT POLICIES

3.1 General Policies

- A. Archaeological and Historical Resources: Due to the limited and irreplaceable nature of the resource, public or private uses and activities should be prevented from destroying or damaging any site having historic, cultural, scientific or educational value as identified by the appropriate authorities.
- B. Environmental Impacts.
 - 1. The adverse impacts of shoreline uses and activities on the shoreline environment should be avoided, if feasible, and then minimized during all phases of development (e.g., design, construction, management and use) consistent with the mitigation sequencing standards of 5.3 A and 173-26-201(2)(e)(i). Mitigation for impacts must be provided such that the use or activity overall will result in no net loss of shoreline ecological functions.
 - 2. The Town of Hunts Point should protect the ecological integrity of Lake Washington and associated wetlands and creeks. Ecological integrity is a term that refers to a system's overall health and wholeness, including the presence of all appropriate elements (physical and biological) and the occurrence of all processes (e.g. erosion and deposition) at appropriate rates. Protecting the ecological integrity is the primary directive for water policy in the United States Clean Water Act.
 - 3. The Town of Hunts Point shall plan for the restoration of ecological functions where they have been impaired. Master Program provisions, including goals, policies, and regulations, are intended to achieve overall improvements in

shoreline ecological functions over time, when compared to the status upon adoption of the Master Program. Restoration goals will be achieved by providing development incentives to private property owners, restoration information and assistance to all interested parties, through Town projects and programs, and other means outlined in the Restoration Plan.

4. The Town should consider the adoption of Low Impact Development (LID) standards, such as those contained in the *Low Impact Development Manual: Technical Guidance for Puget Sound*, to further reduce environmental impacts within the Shoreline Environment.

C. Environmentally Sensitive Areas.

1. Environmentally sensitive areas within shoreline jurisdiction are regulated by the Town of Hunts Point Critical Areas Regulations for Shoreline Jurisdiction (Appendix D). If there are conflicts between the regulations contained in the SMP, those that are the most protective of shoreline ecological functions will apply.
2. Unique, rare and fragile natural and wildlife habitats should be preserved and protected from unnecessary degradation or interference.
3. The Town of Hunts Point should protect the ecological integrity of its shoreline areas within its jurisdiction.

D. Public Access.

1. Public access to the Hunts Point shoreline does not include the right to enter upon or cross private residential property, except where specifically provided by easements.
2. Where appropriate, public access should be provided as close as possible to the water's edge without adversely affecting a sensitive shoreline environment and should be designed for universal accessibility.
3. The level of public access should be commensurate with the degree of uniqueness or fragility of the shoreline. For example, public access should generally be limited and stronger access controls should be incorporated in highly fragile shoreline environments.
4. The level of public access required by the Town should be in proportion to the increased level of demand generated by the development.
5. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.

6. Public access facilities should be constructed of environmentally friendly materials and support healthy natural processes, whenever possible.

E. Vegetation Management.

1. Native plant communities within shoreline jurisdiction should be protected and maintained to minimize damage to the ecology and environment of the shoreline area.
2. Restoration of degraded shorelines due to natural or manmade causes should, wherever feasible, use native plantings and/or soil bioengineering techniques to minimize the processes of erosion and sedimentation.
3. Aquatic weed management should involve usage of native plant materials wherever possible in soil bioengineering applications and habitat restoration activities. Where active removal or destruction of aquatic vegetation is necessary, it should be done only to the extent necessary to allow water-dependent activities to continue. Removal, chemically controlling or modification of aquatic vegetation, including noxious aquatic weeds (i.e. milfoil), should be conducted in a manner that minimizes adverse impacts to native plant communities and/or salmonid habitat, and should include appropriate handling or disposal of weed materials and attached sediments.
4. The Town of Hunts Point should provide information to the public about environmentally appropriate vegetation management, salmon-friendly landscaping for shoreline properties, and alternatives to the use of pesticides and herbicides which impact water quality and aquatic stream habitat.
5. Property owners should use the following Best Management Practices (BMPs) when maintaining residential landscapes:
 - a. Avoid use of herbicides, fertilizers, insecticides, and fungicides along banks of streams, drainage channels, and shores of Lake Washington, as well as in the water.
 - b. Limit the amount of lawn and garden watering so that there is no surface runoff.
 - c. Dispose of grass clippings, leaves, or twigs properly; do not sweep these materials into the street, into a body of water, or near a storm drain.

F. Water Quality

1. Prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.

2. All shoreline uses and activities should be located, designed, constructed and maintained to minimize adverse impacts to water quality and fish and wildlife resources including spawning, nesting, rearing, and feeding areas and migratory routes.
3. The Town should require setbacks, buffers and stormwater treatment and detention facilities to achieve the objective of no net loss of shoreline ecological functions and maintenance of good water quality.
4. Any treatment of runoff required by the Town's adopted stormwater plan should be conducted on-site at the source to prevent adverse impacts to water quality.
5. Dredging and filling activities should be conducted in a manner that protects the Town's water quality. For detailed information on requirements and policies related to dredging, see Section 6.4, Dredging and Dredge Material Disposal.
6. The Town should provide general information to the public about the use of land and human activities which impact water quality.
7. The following BMPs regarding water quality management should be supported:
 - a. Hazardous materials should always be disposed of properly if they cannot be reused or recycled. Household products identified by such labels as poisonous, corrosive, caustic, flammable, volatile, explosive, or dangerous, and their associated containers, should never be dumped outdoors at a residence.
 - b. Ground cloths or drip pans should be used beneath any outdoor work involving hazardous materials such as paints, wood preservatives, finishes, stains, and rust removers. Collected drips and spills should be recycled or disposed of properly.
 - c. The runoff from automobile washing should drain to vegetated areas, such as lawns. If soaps or detergents are used, products without phosphates should be selected. Use a high pressure hose with trigger to minimize water usage.
 - d. Limit the amount of lawn and garden watering so that surface water runoff containing pesticides, herbicides and fertilizers does not leave the property. Application of these chemicals should be avoided if precipitation is expected.
 - e. Boat maintenance and repair activities that can be moved on-shore should be moved accordingly. This action reduces some of the potential for direct pollution on Lake Washington.

- f. Sand blasting and spray-painting activities are prohibited over the water.
- g. Bilge and ballast water that has an oily sheen on the surface should be collected for proper disposal rather than dumped on land or over water.
- h. Paint and solvent mixing, fuel mixing, and similar handling of liquids should be performed on shore, or such that no spillage can occur directly in surface waterbodies.
- i. Feeding Canada geese and other wildlife along the shoreline should be discouraged to prevent them from gathering in large numbers and potentially contaminating the water from droppings.

3.2 Shoreline Modification Policies

A. Clearing and Grading

1. All clearing and grading activities should be designed and conducted to minimize impacts to wildlife habitat; to minimize sedimentation of creeks, Lake Washington, and wetlands; and to minimize degradation of water quality.
2. Clearing and grading activities in shoreline areas should be limited to the minimum necessary to accommodate shoreline development. Such activities should be discouraged in designated (structural) setback areas and allowed in other shoreline locations only when associated with a permitted shoreline development.
3. Adverse environmental and shoreline impacts of clearing and grading should be avoided wherever possible through proper site planning, construction timing and practices, bank stabilization, soil bioengineering and use of erosion and drainage control methods consistent with mitigation sequencing requirements. Maintenance of drainage controls should be a high priority to ensure continuing, effective protection of habitat and water quality.
4. Cleared and disturbed sites remaining after completion of construction should be promptly replanted.
5. All clearing and grading activities should be designed with the objective of maintaining natural diversity in vegetation species, age, and cover density.

B. Dredging and Dredge Material Disposal

1. Allowed dredging and dredge material disposal should be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

2. Dredging in Lake Washington should be allowed to maintain, establish, expand, or relocate or reconfigure navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses.
3. Ongoing dredging of established navigation channels and basins in Fairweather Basin, Haug Channel and Cozy Cove inlet should be allowed in order to maintain the maximum depth and width initially established, or previously approved, through local, state, and federal permitting.
4. Dredging waterward of the OHWM for the primary purpose of obtaining fill or construction material is prohibited.
5. In all cases, dredging operations should be planned and conducted to minimize interference with navigation, and to protect and maintain existing aquatic habitat and other shoreline uses, properties, and values.
6. Dredge material disposal in the Town of Hunts Point shoreline jurisdiction should be prohibited, except for habitat improvement projects.

C. Fill Waterward of OHWM

1. Fills waterward of the OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses and modification, and ecological restoration which are consistent with this Master Program. All fill waterward of the OHWM not associated with ecological restoration or approved shoreline stabilization should require a Shoreline Conditional Use Permit.
2. Shoreline fills should be designed and located so that there will be no significant damage to existing ecological systems or natural resources, and no alteration of local currents, surface and subsurface drainage, or flood waters which would result in hazard to adjacent life, property, or natural resource systems.
3. Where permitted, fill coverage should be the minimum necessary to provide for the proposed use. Fills should be permitted only when tied to a specific development proposal that is permitted by the Shoreline Master Program.

D. Private Moorage

1. Pier construction should be consistent with current state and federal requirements for Lake Washington. Generally, these require fixed-pile construction, using metal or untreated pilings, narrow widths, and decking that minimizes shading.
2. Private moorage should be designed and located so as not to interfere with navigation of adjacent property owners to their private moorage structures or with public navigation and other public uses of Lake Washington.

E. Shoreline Habitat and Natural Systems Enhancement Projects

1. The Town should allow restoration projects, especially those identified in or consistent with the *Hunts Point Shoreline Restoration Plan* or the *Final WRIA 8 Chinook Salmon Conservation Plan*.
2. The Town should protect and improve wildlife and aquatic habitats wherever feasible.

F. Shoreline Stabilization

Note for Town: Language stricken by Ecology regarding the canals has been re-introduced. However, the Town must provide back-up documentation and analysis to support special treatment of these areas, or the language will be removed again by Ecology.

1. With the exception of Fairweather Basin, Haug Canal and Cozy Cove Inlet, hard structural solutions to reduce shoreline damage from erosion should be allowed only after it is demonstrated that nonstructural or soft structural solutions would not provide sufficient protection to existing improvements. Nonstructural and soft structural solutions include (but are not limited to) soil bioengineering, beach enhancement, alternative site designs, drainage improvements and increased building setbacks (for proposed structures), and are the preferred method of stabilization when it is demonstrated to be necessary. The Town recognizes that the artificial nature of the constructed and excavated Fairweather Basin, Haug Channel and Cozy Cove Inlet precludes use of nonstructural or soft structural solutions, and thus will not require demonstration of need for proposed bulkhead modification projects in those areas.
2. Proposals for shoreline stabilization activities should address the potential impact of these activities on adjacent properties, and on shoreline ecological functions and ecosystem-wide processes, such as sediment transport, geomorphology, aquatic habitat, and shoreline vegetation.
3. Shoreline stabilization on the Lake Washington shoreline should not be used to create new or newly usable land.

3.3 Shoreline Use Policies

A. Recreational Development

1. Shoreline access is limited to the Town of Hunts Point-owned Wetherill Nature Preserve in order to provide access, use, and enjoyment of the Town's property, consistent with the terms of the deed of gift.
2. Develop recreational activity areas in a manner which complements local residential use and/or natural habitats.

3. Assure recreational facilities are developed in a manner consistent with the purpose of the environment designation and achievement of no net loss of shoreline ecological functions.

B. Residential Development

1. Recognize single-family uses as a preferred use when developed without adverse impacts to ecological functions.
2. Residential development shall be permitted only where there are adequate provisions for utilities, circulation and access.
3. Residential development should be designed to preserve shoreline aesthetic characteristics, views, and minimize physical impacts to shoreline ecological functions.
4. Residential development should be designed so as to preserve existing shoreline vegetation, control erosion and protect water quality using best management practices and where possible, utilizing low impact development technologies.
5. Over-water residential structures and floating residences are prohibited.

C. Transportation and Parking

1. Where possible, locate land circulation systems as far from the shoreline as feasible to reduce interference with natural shoreline resources or appropriate shoreline uses. When transportation facilities must be located along shorelines, efforts should be made to minimize the amount of land consumed. Where feasible, such transportation facilities should be sufficiently set back so that a usable shoreline area remains.
2. Parking is allowed only as an accessory use for residential development.

D. Utilities

1. Whenever feasible, locate new utilities outside shoreline jurisdiction. Utilities that must be located within shoreline jurisdiction should be located within existing rights-of-way or corridors whenever feasible.
2. Locate utility facilities and corridors to prevent loss of ecological function and preserve the natural landscape, including avoiding impacts to critical areas and minimizing clearing of native vegetation.
3. Ensure utilities in shoreline jurisdiction do not adversely affect water quality or prevent public use of the shoreline area.

CHAPTER 4: SHORELINE ENVIRONMENT DESCRIPTION AND DESIGNATIONS

4.1 Shoreline Jurisdiction and Environment Designation Map

Shoreline jurisdiction in the Town of Hunts Point consists of the waters of Lake Washington extending waterward to the centerline of the lake, upland areas extending 200 feet landward of the OHWM, and associated wetlands.

The intent of designating shoreline environments is to encourage development that will preserve the current condition or enhance the desired future character of the shoreline consistent with the SMA. To accomplish this, shoreline areas are given an environment designation based on existing use and development patterns, the biological and physical character of the shoreline, and the desires of the residents.

Shoreline environment designations must be consistent with the designation criteria provided in WAC 173-26-211. Specific development standards are established, which specify how and where permitted development can take place within each shoreline environment. The Hunts Point classification system is consistent with the environment designation system in WAC 173-26-211. In delineating environment designations, the Town aims to assure that existing shoreline ecological functions are protected with the proposed use, intensity and standards of development. The Town's environment designation map is included in Appendix C. All undesignated shorelines shall be assigned a Natural environment designation consistent with WAC 173-26-211, until the Town's Master Program can be formally amended.

4.2 Natural Environment

4.2.1 Purpose

According to WAC 173-26-211 (5)(a), the purpose of the "Natural" environment is to "protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, local government should include planning for restoration of degraded shorelines within this environment." The Town of Hunts Point has identified the Wetherill Nature Preserve and the nearby private wetland area as fitting the Natural Environment designation.

4.2.2 Management Policies

- A. Any uses that would substantially degrade the ecological functions or natural character of the shoreline area are not allowed.
- B. The following new uses are prohibited within the "Natural" environment: commercial uses, industrial uses, nonwater-oriented recreation, roads, utility corridors (except existing City of Bellevue sewer system), and parking areas.

- C. Scientific, historical, cultural and educational research uses, and low-intensity passive recreational uses may be allowed provided there is no significant ecological impact.
- D. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions is not allowed.

4.3 Shoreline Residential Environment

4.3.1 Purpose

According to WAC 173-26-211(5)(f), 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.

4.3.2 Management Policies

- A. Standards for 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.
- B. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.

4.4 Stormwater Utility Environment

4.4.1 Purpose

The purpose of the "Stormwater Utility" environment is to accommodate the unique characteristics of the Washington State Department of Transportation stormwater facility associated with State Route 520.

4.4.2 Management Policies

- A. Vegetation shall be monitored and maintained to the extent initially installed to blend in with the surrounding residential area.
- B. Best Management Practices for water quality protection shall be employed at all times.
- C. All stormwater facilities shall be designed and managed consistent with the latest version of the Washington Department of Ecology's *Stormwater Management Manual for Western Washington*.
- D. Stormwater facilities shall not contribute sediment to Fairweather Basin, and the depth of the channel shall be monitored by the Washington State Department of Transportation every two years.

4.5 Aquatic Environment

4.5.1 Purpose

The “Aquatic” environment encompasses Lake Washington contained within the Hunts Point town limits, waterward of the ordinary high water mark. The purpose of this environment is to protect, restore, and manage the unique characteristics and resources of the area.

4.5.2 Management Policies

- A. The Aquatic environment should be managed consistent with the policies found in WAC 173-26-211(5)(c)(ii).
- B. Existing piers, moorage structures, and bulkheads shall be allowed to be maintained.
- C. New overwater structures shall be allowed for water-dependent recreational uses associated with single-family development.
- D. Shared use of overwater structures shall be encouraged and required when new residential development of two or more adjacent dwellings occurs.
- E. Dredging of Haug Channel, Fairweather Basin, and Cozy Cove Inlet shall be permitted to maintain water depth, navigability, and water flow. Dredging activity shall be the minimum amount required to maintain the previously dredged and/or existing authorized location, depth, and width (to a minimum ten-foot (10’) water depth at the OHWM in Fairweather Basin, Haug Channel and Cozy Cove Inlet), and shall be otherwise consistent with the dredging regulations in Section 6.4 of this Master Program.
- F. Fill shall not be placed into Lake Washington, with the exception of material accessory to permitted uses or modifications or designed to enhance the natural habitat.

CHAPTER 5: GENERAL REGULATIONS

5.1 General Regulations

- A. Minimum setbacks and height limits for specific shoreline developments, uses, and activities are described in Section 6.2, Development Standards.
- B. All shoreline uses and shoreline modification activities, including those that do not require a Shoreline Substantial Development Permit, must conform to the intent, policies, and regulations of this Master Program.
- C. All shoreline development shall be designed in accordance with current codes and regulations and shall obtain all necessary permits from all applicable federal, state and local management codes and regulations, including those administered or required by the U.S. Army Corps of Engineers, , the U.S. Department of Agriculture, the State

Department of Fish and Wildlife, the State Department of Ecology, the State Department of Agriculture, the State Environmental Policy Act, the Town's code pertaining to critical areas within shoreline jurisdiction (Appendix D), the Town's zoning regulations, and other applicable local land use codes and regulations. Where there are conflicts between these regulations, or between different regulations within this SMP, those which provide the most protection to shoreline ecological functions shall apply.

- D. Shoreline modification activities must be in support of an allowable shoreline use which conforms to the provisions of this Shoreline Master Program.

5.2 Archaeological and Historical Resources

Where archaeological and historic resources are recorded at the State Historic Preservation Office, or have been inadvertently uncovered, the following policies and regulations apply.

- A. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the Town if any phenomena of possible archaeological interest are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data is properly handled. The Town shall subsequently notify the Muckleshoot Tribe and the State Office of Archaeology and Historic Preservation. Failure to comply with this requirement shall be considered a violation of the Shoreline Permit.
- B. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the Town determines that a site has significant archeological, natural scientific or historical value, a Shoreline Substantial Development Permit and/or any other permit authorizing development or land modification shall not be issued which would pose a threat to the site. The Town may require that a site be redesigned or that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
- C. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The Town shall notify the State Department of Ecology, the State Attorney General's Office, any affected Indian tribes, and the State Historic Preservation Office of such a waiver in a timely manner.
- D. Archaeological sites are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Resources) and shall comply with Chapter 25-48 WAC (Archaeological Excavation and Removal Permit) or its successor as well as the provisions of this Master Program.
- E. Identified historical or archaeological resources within public areas shall be managed to give maximum protection to the resource and surrounding environment.

- F. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.

5.3 Environmental Impacts

- A. Mitigation sequencing. In order to ensure achievement of no net loss of ecological functions, applicants shall demonstrate all reasonable efforts have been taken to avoid, minimize and then mitigate potential adverse impacts to ecological function resulting from new development and redevelopment in shorelines in the following sequence of steps listed in prioritized order, to be applied consistent with WAC 173-26-201(2)(e):
 1. Avoiding the impact altogether by not taking a certain action or parts of an action;
 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 4. Reducing or eliminating the impact over time by preservation and maintenance operations;
 5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable. Avoidance shall not be construed to prohibit uses and modifications otherwise allowed by this Master Program.

- B. Application of the mitigation sequence shall achieve no net loss of ecological functions for each new development and shall not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the SMA. Identified significant short-term and long-term adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial.
- C. Solid waste, liquid waste, and untreated effluent shall not be allowed to enter any bodies of water or to be discharged onto the land.
- D. The direct release of oil and hazardous materials or chemicals onto the land or into water is prohibited. Equipment for the transportation, storage, handling or application of such

materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.

- E. All shoreline uses and activities shall utilize best management practices (BMPs) to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Physical control measures include, but are not limited to, catch basins, settling ponds, oil/water separators, filtration systems, grass-lined swales, interceptor drains and landscaped buffers. All types of BMPs require regular maintenance to continue to function as intended.
- F. All shoreline uses and activities shall be located, designed, constructed and managed to avoid, if feasible, and then minimize and mitigate adverse impacts to water quality and fish and wildlife resources, including spawning, nesting, rearing, feeding and habitat areas, and migratory routes.
- G. All shoreline uses and activity shall be located, designed, constructed and managed in a manner that avoids, if feasible, and then minimizes and mitigates adverse impacts to surrounding land and water uses.
- H. All shoreline developments shall be located, constructed and operated so as not to be a hazard to public health and safety.
- I. Land clearing, grading, filling and alteration of natural drainage features and land forms shall be limited to the minimum necessary for development. Surface drainage systems or substantial earth modifications involving greater than 500 cubic yards of material shall be designed by a professional engineer. These designs shall seek to prevent maintenance problems, avoid adverse impacts to adjacent properties or shoreline features, and result in no net loss of shoreline ecological functions.
- J. All shoreline uses and activities shall be located and designed to prevent or minimize the need for shoreline stabilization.
- K. Except as otherwise permitted herein, navigable waters in Hunts Point shall be kept free of hazardous or obstructing uses and activities.

5.4 Environmentally Sensitive Areas

- A. All shoreline uses and activities shall be located, designed, constructed and managed to protect and/or not adversely affect those natural features which are valuable, fragile or unique in the region, and to facilitate the appropriate intensity of human use of such features, including but not limited to:
 - Wetlands;
 - Fish and wildlife habitats, including streams, migratory routes, and spawning areas;
 - Geologically hazardous areas;

- Hydrologic connections between waterbodies, streams and wetlands; and
 - Natural or man-made scenic vistas or features.
- B. Critical areas within shoreline jurisdiction are regulated by the Town's Critical Areas Regulations modified for consistency with the Shoreline Management Act and included in this SMP as Appendix D.

5.5 Public Access

Shoreline public access is provided at the Wetherill Nature Preserve. The Preserve enables the general public to enjoy the shoreline, to use the nature trails, and to view the water and the shoreline.

- A. Public access shall be required for any development of more than four contiguous parcels per WAC 173-26-221(4)(d)(iii), or for any development proposed by a public entity or on public lands. Such sites shall be fully developed and available for public use at the time of occupancy.
- B. The following standards shall apply to new plats of more than four contiguous lots:
1. Types of Access. Applicants required to provide, or who voluntarily provide, shoreline public access shall provide for both physical and visual access, unless due to dangerous or unsafe site conditions only visual access is feasible. Examples are listed in 2. and 3. below.
 2. Visual Access. Visual public access may consist of view corridors, viewpoints, or other means of visual approach to public waters.
 3. Physical Access. Physical public access may consist of a dedication of land or easement and a physical improvement in the form of a walkway, trail, bikeway, park, boat or canoe and kayak launching ramp, dock area, view platform, or other area serving as a means of physical approach to public waters.
- C. Public access to the Hunts Point shoreline does not include the right to enter upon or cross private residential property, except where specifically provided by easements.
- D. When required, public access shall be provided as close as possible to the water's edge without adversely affecting a sensitive shoreline environment and shall be designed for universal accessibility.
- E. The level of public access should be commensurate with the degree of uniqueness or fragility of the shoreline. For example, public access should generally be limited and stronger access controls should be incorporated in highly fragile shoreline environments.
- F. The level of public access required by the Town shall be in proportion to the increased level of demand generated by the development.

- G. Public access shall be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.
- H. Public access facilities shall be constructed of environmentally friendly materials and support healthy natural processes, whenever possible.

5.6 Vegetation Management

- A. To maintain the ecological functions that trees provide to the shoreline environment, significant trees shall be managed as follows:
 - 1. The removal of significant trees shall be permitted:
 - a. When a tree is dead if located in the Shoreline Residential environment;
 - b. When the tree is hazardous;
 - c. To accommodate the building of new single-family residences and their appurtenance or additions to existing single-family residences and their appurtenances that cannot be located to avoid tree removal;
 - d. To accommodate a new driveway that cannot be reasonably located to avoid tree removal or an existing driveway that cannot be reasonably utilized because of the proximity of the tree;
 - e. To avoid substantial risk of damage to an existing residential structure, garage, or utility that may not reasonably be accomplished by pruning or trimming;
 - f. When the installation and maintenance of public facilities by the Town or its contractors cannot reasonably be accomplished without tree removal.
 - 2. A permit shall not be required for pruning or removal of trees less than six inches in diameter measured 54 inches above grade that are part of a grove's contiguous canopy if in the opinion of the Town arborist their removal does not damage the health of the grove.
 - 3. If the applicant asserts that the tree removal is necessary solely to assure that the property enjoys reasonable amounts of light and view, the tree removal permit application shall be processed as a Shoreline Variance.
 - 4. The applicant shall be responsible for mitigating for the removal of a significant tree by planting two similar trees of the same species or such species as recommended by the Town arborist. Replacement evergreen trees shall be a minimum height of 10 feet tall and have a full, well-developed crown of foliage.

Deciduous trees shall be three inches in caliper. Mitigation is to occur on site and within shoreline jurisdiction unless otherwise determined by the Town arborist.

5. Mitigation requirements must be met within six months of the tree removal or within six months of the expiration of a building permit, whichever is later. In the case of concurrent new construction or site development, mitigation requirements must be met before final inspection or certificate of occupancy is issued. At the sole discretion of Town staff, the Town may require the applicant to post a bond to guarantee compliance with tree removal mitigation requirements.
6. Trees planted as mitigation must be maintained with adequate water and care to survive a three-year warranty period or be replaced at the applicant's expense. An annual site inspection by the Town arborist, or an annual report by a qualified professional, shall be provided to the Town for each of the three years. The cost of the inspection, report preparation and report review shall be paid for by the applicant.

Note to Town: Ecology allowed the original language of this regulation to be retained, with additional language to require demonstration that the applicant provide mitigation can't be installed on-site and that the public location provide equivalent function as the removed tree.

7. If the applicant can demonstrate that mitigation requirements cannot be met on-site, the Town may agree at its sole discretion after request by a tree removal permit applicant to replant new trees required as mitigation within shoreline jurisdiction in either a right-of-way or on other public property, provided that the location of the mitigation tree must compensate for functions lost by the applicant's proposed tree removal. In such cases, the permit applicant shall pay into the Town's tree mitigation account the installed tree cost value of the mitigation trees as determined by the Town arborist.
 8. Unlawful removal of significant trees shall be a civil infraction and any person, corporation or other entity that violates this section shall receive a fine of \$1,000 per violation plus \$1,000 per inch of diameter measured at 54 inches above grade for each significant tree that is illegally removed, not to exceed \$25,000. In addition to monetary penalties, the unlawful tree removal shall be mitigated consistent with A.4 above.
- B. All shorelines shall be protected from degradation caused by the modifications of the land surface within the shoreline area and/or the adjacent uplands.
- C. Vegetation conservation standards shall not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses and developments may be maintained within shoreline jurisdiction consistent with vegetation conservation standards.

- D. Vegetation clearing outside of wetlands and buffers shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this SMP. Mitigation sequencing shall be applied so that the design and location of the structure or development minimizes native vegetation removal. Development or uses that require vegetation clearing shall be designed to avoid the following in the order indicated below, with 1) being the most desirable vegetation to retain:
1. Native significant trees.
 2. Non-native significant trees.
 3. Native non-significant trees.
 4. Other native vegetation.
 5. Other non-native vegetation.
- E. Where vegetation removal or alteration conducted consistent with this section results in adverse impacts to shoreline ecological function, new developments or site alterations shall be required to develop and implement a mitigation plan. Adverse impacts are assumed to result from removal of trees, shrubs and groundcovers or new developments that could impair the tree's health. Mitigation plans shall be prepared by a qualified professional.
- F. Shorelines or streambanks that will be disturbed or degraded incidental to construction of an authorized development shall be revegetated using native plant materials, unless the disturbance will occur within a developed and maintained ornamental landscape, in which case noninvasive plant materials similar to that which most recently occurred on-site may be used.
- G. Stabilization of exposed erosion-prone surfaces within the shoreline environment shall, wherever feasible, utilize soil bioengineering techniques.
- H. Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic vegetation control shall occur in compliance with all other applicable laws and standards, including Washington Department of Fish and Wildlife requirements.
- I. The control of invasive aquatic vegetation by hand pulling or placement of aquascreens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline substantial development permit. Control of aquatic vegetation by mechanical methods is exempt from the requirement to obtain a shoreline substantial development permit only if the bottom sediment or benthos is not disturbed in the process. It is assumed that

mechanical removal of accumulated vegetation at a level closer than two (2) feet to the root level will disturb the bottom sediment and benthos layer.

- J. The control of aquatic vegetation by derooting, rotovating or other methods which disturb the bottom sediment or benthos shall be considered development for which a shoreline substantial development permit is required.
- K. The application of herbicides or pesticides in lakes, rivers, streams, wetlands, or ditches requires a permit from the Washington Department of Ecology and may require preparation of a SEPA checklist for review by other agencies. The individual(s) involved must obtain a pesticide applicator license from the Washington State Department of Agriculture.

5.7 Water Quality

- A. All shoreline development, both during and after construction, shall minimize impacts related to surface runoff through control, treatment and release of surface water runoff such that there is no net loss of receiving water quality in the shoreline environment. Control measures include but are not limited to dikes, runoff intercepting ditches, catch basins, settling wet ponds, sedimentation ponds, oil/water separators, filtration systems, grass-lined swales, planted buffers, and fugitive dust controls.
- B. Shoreline development and uses shall adhere to all required setbacks, buffers and standards for stormwater storage basins.
- C. All shoreline development shall comply with the applicable requirements of the most recent edition of the King County Surface Water Design Manual and all applicable Town stormwater regulations. The Town may also rely on source control standards and other BMPs contained in the most recent version of the *Department of Ecology Stormwater Management Manual for Western Washington* and *The Low Impact Development Manual: Technical Guidance for Puget Sound*.

CHAPTER 6: SHORELINE USE AND MODIFICATION REGULATIONS

6.1 Use and Modifications Matrix

- A. Table 6.1 indicates which uses and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment. Accessory uses shall be subject to the same shoreline permit process as its primary use, unless such accessory uses are specifically listed in Table 6.1. Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall apply.
- B. Authorized uses and modifications are only allowed in shoreline jurisdiction where the underlying zoning allows for it and subject to the policies and regulations of this SMP.

- C. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Shoreline Substantial Development Permit.
- D. Uses and modifications identified as “Permitted” require either a Substantial Development Permit or may be exempt from the requirement to obtain a Substantial Development Permit, as outlined in Appendix B of this SMP and WAC 173-27-040(2). However, for all exemptions other than “normal maintenance and repair” (WAC 173-27-040(2)(b)), uses and modifications listed as “Conditional Use” or “Prohibited” are not eligible for a Shoreline Exemption. Exempted uses and modifications are not exempt from the Act or this SMP, and must be consistent with the applicable policies and provisions.
- E. If any part of a proposed development is not eligible for Shoreline Exemption, then a Shoreline Permit is required for the entire proposed development project.

Table 6.1 Shoreline Use and Modification Matrix

| SHORELINE USE AND MODIFICATION | ENVIRONMENT DESIGNATION | | | |
|---|--------------------------------------|--------------------------------------|--------------------------------------|---|
| | Stormwater Utility | Shoreline Residential | Natural | Aquatic |
| Agriculture | Prohibited | Prohibited | Prohibited | Prohibited |
| Aquaculture | Prohibited | Prohibited | Prohibited | Prohibited |
| Boating Facilities | Prohibited | Prohibited | Prohibited | Prohibited |
| Clearing & Grading (includes fill upland of OHWM) | Conditional Use | Permitted | Permitted | Prohibited |
| Commercial Development | Prohibited | Prohibited | Prohibited | Prohibited |
| Dredging | NA | NA | NA | Permitted |
| Dredge Material Disposal | Prohibited, Permitted if restoration |
| Fill (waterward of OHWM) | NA | NA | NA | Conditional Use, Permitted if restoration |
| Forest Practices | Prohibited | Prohibited | Prohibited | Prohibited |
| Industrial Development | Prohibited | Prohibited | Prohibited | Prohibited |
| Mining | Prohibited | Prohibited | Prohibited | Prohibited |
| Parking as a Primary Use as an Accessory Use | Prohibited Prohibited | Prohibited Permitted | Prohibited Prohibited | Prohibited Prohibited |
| Private Moorage – Boats/Floatplanes Moorage Cover Boathouse | Prohibited Prohibited | Permitted Prohibited | Prohibited Prohibited | Permitted Prohibited |

| SHORELINE USE AND MODIFICATION | ENVIRONMENT DESIGNATION | | | |
|--|-------------------------|-----------------------|-----------------|------------|
| | Stormwater Utility | Shoreline Residential | Natural | Aquatic |
| Pier, Float, Joint Use Structure, Buoy, Moorage Pile | Prohibited | Permitted | Prohibited | Permitted |
| Lift, Lift Canopy | Prohibited | Permitted | Prohibited | Permitted |
| Launching Ramp | Prohibited | Prohibited | Prohibited | Prohibited |
| Launching Rails | Prohibited | Prohibited | Prohibited | Prohibited |
| Recreational Facilities | | | | |
| Water-dependent | Prohibited | Permitted | Conditional Use | Permitted |
| Water-related | Prohibited | Permitted | Prohibited | Permitted |
| Water-enjoyment (trail) | Permitted | Permitted | Permitted | Prohibited |
| Non-water-oriented | | | | |
| Primary | Prohibited | Prohibited | Prohibited | Prohibited |
| Accessory | Prohibited | Permitted | Prohibited | Prohibited |
| Residential | | | | |
| Single-Family | Prohibited | Permitted | Prohibited | Prohibited |
| Multi-Family | Prohibited | Prohibited | Prohibited | Prohibited |
| Shoreline Habitat and Natural Systems Enhancement | Permitted | Permitted | Permitted | Permitted |
| Shoreline Stabilization | | | | |
| Beach Restoration & Enhancement | Permitted | Permitted | Permitted | Permitted |
| Soil Bioengineering | Permitted | Permitted | Permitted | Permitted |
| Bulkheads | Permitted | Permitted | Prohibited | Prohibited |
| Breakwaters | Prohibited | Prohibited | Prohibited | Prohibited |
| Groins | Prohibited | Prohibited | Prohibited | Prohibited |
| Jetties | Prohibited | Prohibited | Prohibited | Prohibited |
| Transportation | Conditional Use | Conditional Use | Conditional Use | NA |
| Utilities, Primary | | | | |
| Stormwater Collection & Dispersion | Conditional Use | Prohibited | Prohibited | Prohibited |
| Other | Prohibited | Prohibited | Prohibited | Prohibited |
| Utilities, Accessory | Permitted | Permitted | Permitted | Permitted |

6.2 Development Standards

- A. To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, shoreline development standards regarding shoreline setbacks, minimum lot frontage, and height are provided in Table 6.2. In addition, shoreline developments shall comply with all other dimensional requirements of the Town's zoning and other development regulations.

- B. When a development or use is proposed that does not comply with the development standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance.
- C. All development subject to the SMP shall, at a minimum, achieve no net loss of ecological functions necessary to sustain shoreline natural resources, including development exempt from a Shoreline Substantial Development Permit.

Table 6.2 Development Standards

| REGULATION | Stormwater Utility | Shoreline Residential | Natural | Aquatic |
|-----------------------------------|---|--|----------------|-----------------------------------|
| Height Limit | Consistent with approved Special Use Permit | Not to exceed 30' above original grade, 36' above finish grade* | NA | 16' |
| Minimum lot frontage (waterfront) | 50' | 50' | 50' | NA |
| Shoreline Setback: R-40 zone | NA | Unless otherwise established in a plat or subdivision approved by the Town prior to the effective date of the SMP, the primary dwelling shall be set back no closer to the OHWM than the stringline setback. Note to Town: Ecology requests that the relevant plats/subdivisions be reviewed and a map developed noting the approved setbacks for all parcels. Ecology requests that numerical minimum setback be established in addition to the stringline. | NA | See Section 6.6 for side setbacks |
| Shoreline Setback: R-20 zone | NA | Unless otherwise approved by the Town in a plat or subdivision prior to the effective date of the SMP, the primary dwelling shall be set back 40 feet from the OHWM, except in the case of a waterfront lot where the setback shall be as defined by a plat or subdivision approved by the Town. Note to Town: Ecology requests that the relevant plats/subdivisions be reviewed and a map developed | NA | NA |

| REGULATION | Stormwater Utility | Shoreline Residential | Natural | Aquatic |
|-------------------------------|--------------------|---|---------|---------|
| | | noting the approved setbacks for all parcels. | | |
| Shoreline Setback: R-20A zone | 30' | Unless otherwise approved by the Town in a plat or subdivision prior to the effective date of the SMP, the primary dwelling shall be set back 30 feet from the OHWM. Note to Town: Ecology requests that the relevant plats/subdivisions be reviewed and a map developed noting the approved setbacks for all parcels. | NA | NA |

* Note that height is defined per Hunts Point zoning regulation and WAC 173-27-030 (9); also see Definition Appendix A.

6.3 Clearing and Grading

- A. All fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes.
- B. For proposed land clearing, fill, or grading activities over fifty (50) cubic yards in quantity, or a cut of two (2) feet or more, or a fill of two (2) feet or more, a clearing and grading plan addressing species removal, replanting, irrigation, erosion and sedimentation control and other methods of riparian corridor protection shall be required as part of the Site Development Permit. All clearing and grading activities must adhere to the requirements of the Town's code pertaining to land clearing and grading.
- C. Clearing and grading activities may only be allowed when associated with a permitted shoreline development.
- D. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not developed must be revegetated using native plant materials, unless the disturbance will occur within a developed and maintained ornamental landscape, in which case noninvasive plant materials similar to that which most recently occurred on-site may be used. Revegetation must occur within six months of project completion. Replanted areas shall be planned and maintained such that, within three (3) years time, the vegetation is at least ninety (90) percent reestablished.
- E. Normal non-destructive pruning and trimming of vegetation for maintenance purposes shall not be subject to these clearing and grading regulations. In addition, clearing by hand-held equipment of invasive nonnative shoreline vegetation or plants listed on the State Noxious Weed List is permitted in shoreline locations.

6.4 Dredging and Dredge Material Disposal

- A. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill or construction material is prohibited except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high water mark. The project must be either associated with a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a Shoreline Conditional Use Permit, any other significant habitat enhancement project.
- B. The Town of Hunts Point may impose limitations on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.
- C. In-water disposal operations are prohibited in the Town of Hunts Point, except as identified in A. above. Material dredged in Hunts Point must be disposed of at approved disposal sites per applicable requirements of Department of Natural Resources, the Department of Ecology, the Washington Department of Fish and Wildlife, and/or the U.S. Army Corps of Engineers.
- D. Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

Note to Town: Ecology allowed the retention of language about the 10' depth, but is requesting that documentation be provided.

- E. Dredging for the purpose of maintaining, establishing, expanding, or relocating or reconfiguring navigation channels and basins shall be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Ongoing maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width (to a minimum ten-foot (10') water depth at the OHWM in Fairweather Basin, Haug Channel and Cozy Cove Inlet).
- F. When dredging is permitted, the extent of dredging shall be the minimum necessary to accommodate the proposed use or maintain an existing use as described in D. and E. above, or to accomplish restoration of shoreline ecological functions.

6.5 Fill Waterward of the OHWM

This section addresses fill waterward of the OHWM. Fill upland of the OHWM is regulated under Section 6.3, Clearing and Grading.

- A. Fills waterward of the OHWM may be permitted only in conjunction with a water-dependent or public use permitted by this Master Program; or fisheries or wildlife enhancement projects; or as part of an approved beach restoration project. All fill waterward of the OHWM not associated with ecological restoration or approved shoreline stabilization shall require a Shoreline Conditional Use Permit.
- B. All fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes.
- C. No refuse disposal sites, solid waste disposal sites, or sanitary fills shall be permitted along the Lake Washington shoreline in the Town of Hunts Point.

6.6 Private Moorage

Private moorage facilities include piers and docks, recreational floats, moorage pilings, boatlifts, aircraft lifts, boatlift canopies, and moorage covers.

A. General Regulations

1. A moorage facility associated with a single-family residence may be permitted if it is designed and intended for access to watercraft and otherwise complies with this SMP, WAC 173-26, and RWC 90.58.
2. Moorage facility construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.
3. Moorage facility side yard setback shall be the greater of ten-percent (10%) of the lot width, or ten (10) feet from the side property line extended, except that joint-use structures may abut or cross property lines for the common use of adjacent property owners when mutually agreed to by the property owners in an agreement recorded with King County.
4. No dwelling unit or building may be constructed on a moorage structure.
5. Lighting associated with overwater structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety.
6. Height of piers shall be a minimum of one and one-half (1.5) feet above OHWM to bottom of pier stringers and a maximum of four (4) feet above OHWM, except a floating section of a dock.
7. Piers and platform lifts must be fully grated or contain other materials that allow a minimum of forty percent (40%) light transmission through the decking material. For structures supported by float tubs, grated decking shall be used in all areas that are not directly above the float tubs.

8. Pilings or moorage piles shall not be treated with pentachlor chlorophenol, creosote, chromate copper arsenate (CCA), or toxic compounds.
9. The diameter of pilings shall be minimized and the spacing of pilings maximized to the maximum extent allowed by site-specific engineering or design considerations.
10. Only one (1) moorage facility per property shall be permitted. Joint-use structures shall be encouraged. New residential development of two or more dwellings is required to provide joint-use or community facilities, when feasible. In cases of joint-use facilities, the joint-use facility shall take the place of individual property facilities.
11. Joint-use facilities constructed per the requirement of A.10 above after adoption of this SMP may not be later removed and replaced with separate facilities for each of the residences. Joint-use structures constructed prior to adoption of this SMP may be removed and then replaced with individual structures.
12. Moorage facilities may only be permitted as an accessory to residential development.

B. New or Replacement Moorage Facilities.

Note to Town: Ecology agreed to use 75% as the replacement threshold; however, this number must be cumulative over the life-time of the facility.

1. Standard Design: The following requirements apply to all new and replacement moorage facilities in Hunts Point, including shared/joint-use facilities. For purposes of this SMP, moorage facility alteration projects that propose to replace the entire structure, or seventy-five percent (75%) or more of the support piles, cumulatively over the lifetime of the structure, are considered replacement moorage facilities. For purposes of this SMP, repairs and replacements that result in a shift of structure location and/or a change in the footprint in order to increase the conformity of the structure with location or dimensional standards shall not require a Shoreline Substantial Development Permit if all other conditions of WAC 173-27-040(2)(b) are met. The Town may administratively approve an alternative design for new and replacement moorage facilities as provided below in B.2.

Note to Town: Ecology agreed to allow increase in square footage of 6 sf per additional foot of length, rather than only 4 sf.

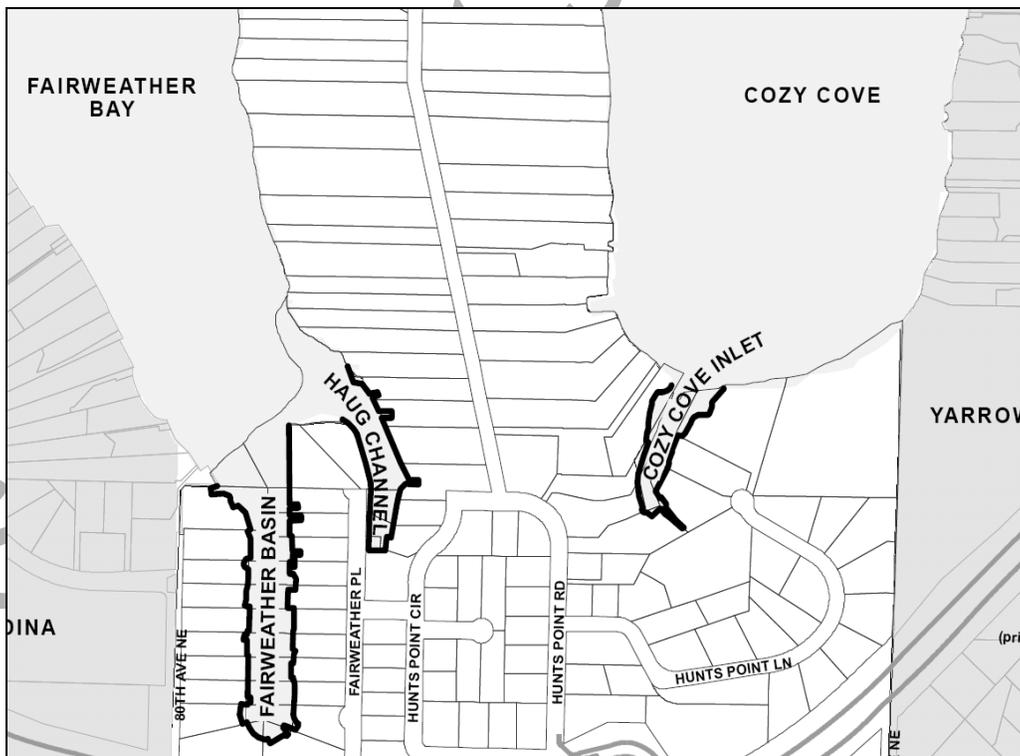
| Moorage Facility Component | Dimensional and Design Standards for the Point | Dimensional and Design Standards for Fairweather Basin, Haug Channel, and Cozy Cove Inlet* (does not apply to boardwalks unless specifically stated otherwise) |
|---|---|---|
| Maximum overwater area coverage, excluding transparent canopy and covered moorage | <ul style="list-style-type: none"> • Four hundred eighty (480) square feet for structures serving one lot; or • Seven hundred (700) square feet for structures serving two (2) lots in a shared use agreement; or • One thousand (1,000) square feet for structures serving more than three (3) lots in a joint-use agreement. • Where a moorage structure cannot reasonably be constructed under the area limitation above to meet a necessary moorage depth not to exceed 10 feet measured at ordinary low water, an additional 64 sq. ft. of area may be added for each additional foot of length up to a maximum of 100 ft, provided that all other dimensions, such as width and length, have been minimized. • Replacement piers and docks may have the maximum of the existing square footage or the standards above. Note to Town: Ecology requests a cap on the replacement pier area; mapping underway to determine appropriate cap. • The overwater footprint of an existing boardwalk that parallels the shoreline edge shall not be permitted to be shifted waterward of its existing location, but it may be repaired or replaced. New boardwalks that overhang the OHWM are not permitted. | |
| Maximum length | <ul style="list-style-type: none"> • Over-water structures shall not extend more than 100 feet waterward of the OHWM, measured perpendicular from the shoreline. • Over-water structures shall be the minimum length necessary for access to watercraft. • Ells shall be no longer than 26 feet. | <ul style="list-style-type: none"> • In order to avoid interfering with navigation and public use of water, over-water structures may extend no farther waterward than one-fifth (1/5) the width of the channel in the location of the proposed structure or as regulated by plat restrictions. Note to Town: Ecology requests that the plat language be provided • Components of moorage structures shall be the minimum length necessary for access to watercraft, provided the ell or float is located waterward of any emergent or aquatic vegetation |

| Moorage Facility Component | Dimensional and Design Standards for the Point | Dimensional and Design Standards for Fairweather Basin, Haug Channel, and Cozy Cove Inlet* (does not apply to boardwalks unless specifically stated otherwise) |
|---|--|---|
| | | <p>when feasible and extends no farther waterward than one-fifth (1/5) the width of the channel in the location of the proposed structure or as regulated by plat restrictions.</p> <ul style="list-style-type: none"> • Eells shall be no longer than thirty (30) feet or the existing length, whichever is greater or as regulated by plat restrictions. |
| Maximum Width | <ul style="list-style-type: none"> • Dock/pier shall be no wider than four (4) feet, for the first thirty (30) feet waterward from the OHWM, and six (6) feet thereafter. | <ul style="list-style-type: none"> • Moorage facility shall be no wider than four (4) feet for any section of walkway perpendicular to the shoreline. • Moorage facility elements that will actively be used for boat moorage and are typically parallel to the shoreline may be six (6) feet wide. |
| Location of eells, fingers, deck platforms, lifts, floats, canopies and covered moorage | <ul style="list-style-type: none"> • not allowed within the first thirty (30) feet waterward of OHWM, measured perpendicular to the OHWM • as far waterward as possible • Within 30 ft. of the OHWM, only the walkway or ramp is allowed. | <ul style="list-style-type: none"> • As dictated by site-specific design considerations, recognizing the unique conditions in these areas. Overall, elements should be located away from vegetation and in deeper water, provided there are no conflicts with other provisions for this area and navigation is not obstructed. |
| Pilings | <ul style="list-style-type: none"> • The first set of pilings for a dock shall be located no closer than eighteen (18) feet from the OHWM or to the extent allowed by site-specific engineering or design considerations. | |

| Moorage Facility Component | Dimensional and Design Standards for the Point | Dimensional and Design Standards for Fairweather Basin, Haug Channel, and Cozy Cove Inlet* (does not apply to boardwalks unless specifically stated otherwise) |
|----------------------------|--|--|
| Skirting | <ul style="list-style-type: none"> No skirting may be installed on new piers and existing skirting shall be removed and may not be replaced. | |
| Mitigation | <ul style="list-style-type: none"> Any existing in-water and overwater structures located within 30 ft. of the OHWM shall be removed, except for existing over-water portions of boardwalks in Fairweather Basin, Haug Channel and Cozy Cove Inlet, existing or authorized shoreline stabilization measures, and the subject moorage facility. The over-water portions of boardwalks should be removed if the boardwalk does not serve as a boat moorage facility. When the mitigation identified above is not applicable to the site or does not achieve no net loss of ecological functions, new or expanded structures shall provide additional appropriate mitigation to ensure no net loss of ecological functions. | |

* See diagram below for identification of areas to which these regulations apply.

Note to Town: Minor map revision underway.



- i. 2. Alternative Design: The Town shall approve new docks or piers, and modifications to a dock or pier replacement proposal that deviates from the

dimensional standards required under B.1 above subject to approval by other permitting agencies such as the U.S. Army Corps of Engineers and the Washington State Department of Fish and Wildlife.

Note to Town: Ecology agreed to restore the repair thresholds previously proposed by the Town; however, this number must be cumulative over the life-time of the facility.

C. Moorage Facility Repair. All existing facilities may be repaired or replaced consistent with the following standards:

1. Repair proposals which replace between 25 and 75 percent (25% and 75%) of the existing piles, cumulatively over the lifetime of the structure, must use the minimum size pile and achieve the minimum 18-foot pile spacing to the extent allowed by site-specific engineering or design considerations.
2. Repair proposals which replace less than 50 percent (50%) of the decking, cumulatively over the lifetime of the structure, must use materials that allow a minimum of 40 percent (40%) light transmission through the decking material
3. Existing skirting must be removed and may not be repaired or replaced.
4. The structure area, width, or length of the structure may not be increased unless it conforms to the new standards.
5. Other repairs to existing legally established moorage facilities where the nature of the repair is not described in the above subsections (e.g., replacement of 25% or less of the piles or decking) shall be considered minor repairs and are permitted, consistent with all other applicable codes and regulations.

D. Boatlifts, Canopies, and Covered Moorage

1. Boatlifts, boatlift canopies and covered moorage may be permitted as an accessory to residential development provided the following:

| Boatlift and Boat Canopy | Dimensional and Design Standards |
|---------------------------------|--|
| Location | <ul style="list-style-type: none"> • Lifts and covered moorage shall be placed as far waterward as possible, and no less than 30 feet waterward of OHWM, except in Fairweather Basin, Haug Channel, and Cozy Cove Inlet, within the limits of the dimensional standards for moorage facilities. |
| Maximum Lift Numbers | <ul style="list-style-type: none"> • Two (2) of any combination of the following per dwelling unit: free-standing or deck-mounted boatlift, platform lift, and/or aircraft lift. • Two (2) personal watercraft lifts. |

| Boatlift and Boat Canopy | Dimensional and Design Standards |
|---------------------------------|---|
| | <ul style="list-style-type: none"> • In lieu of the two (2) boatlifts, platform lifts or aircraft lifts, four (4) personal watercraft lifts may be permitted. • Contiguous lots using shared/joint-use docks shall be allowed one (1) additional boat lift and one (1) additional personal watercraft lift or two (2) additional personal watercraft lifts in addition to the allowances noted above for an individual lot. |
| Canopy/Moorage Cover | <ul style="list-style-type: none"> • One Canopy/Moorage Cover per residential lot is allowed subject to the following requirements. • Canopy is made of light permeable fabric. Canopies may be a maximum of thirty (30) feet in length, fifteen (15) feet in width, and not to exceed more than seven (7) feet above the pier. • Moorage cover is constructed of light permeable materials. Covered moorage dimensions and location must comply with covered moorage building zone, and a maximum height limit of sixteen (16) feet above OHWM. Covered moorage structures in no event shall exceed in projected area more than 50 percent of the covered moorage building zone, or 600 square feet, whichever is the lesser. Note to Town: Ecology questioned whether moorage cover is part of overall square footage allowance – Town position is that it is not. |
| Platform Lift Materials | Any platform lifts shall be fully grated |
| Mitigation | <p>Any existing in-water and overwater structures located within 30 ft. of the OHWM shall be removed, except for existing over-water portions of boardwalks in Fairweather Basin, Haug Channel and Cozy Cove Inlet, existing or authorized shoreline stabilization measures, and the moorage facility. The over-water portions of boardwalks should be removed if the boardwalk does not serve as a boat moorage facility.</p> <p>When the mitigation identified above is not applicable to the site or does not achieve no net loss of ecological functions, the applicant must provide additional mitigation to achieve no net loss of ecological functions.</p> |

- E. Moorage Piles – Moorage piles are allowed, provided the following:
1. A side setback of the greater of ten (10) percent of the lot width or ten (10) feet is observed, except for joint-use structures.
 2. The pile is less than six (6) feet above the OHWM.
 3. Moorage piles shall be located no closer than thirty (30) feet from the OHWM or any farther waterward than the end of the pier or dock.
 4. A maximum of two (2) moorage piles per shall be permitted, including existing piles, and a maximum of four (4) moorage piles shall be permitted for joint-use piers or docks, including existing piles.
 5. Piles shall be located as far waterward as possible.
- F. Monitoring Requirements: For any mitigation proposal that includes installation of vegetation to achieve no net loss of ecological functions, a five-year vegetation maintenance and monitoring plan shall be prepared. The monitoring plan shall include the following specifications:
1. Preparation of as-built drawings after installation of the mitigation plantings.
 2. Annual monitoring reports for five years that include written and photographic documentation on tree and shrub mortality, subject to the following success criteria: one hundred (100) percent survival of all planted native trees and shrubs during the first two (2) years after planting; and one hundred (100) percent survival of trees and eighty (80) percent survival of remaining native plants in years three (3) through five (5).
 3. Copies or reports that are submitted to state or federal agencies in compliance with permit approvals may be submitted in lieu of a separate report to the Town, provided the reports address a five-year maintenance and monitoring plan.

6.7 Recreational Development

This section applies to the sole public shoreline recreational area within the Town of Hunts Point, the Wetherill Nature Preserve. This section does not apply to private residences.

- A. Recreation within the Wetherill Nature Preserve shall be limited to passive activities, such as low-impact trails, viewpoints, interpretive signage and similar passive and low-impact facilities.
- B. Recreational development within the Wetherill Nature Preserve shall be located, designed, and constructed in a manner that assures no net loss of shoreline ecological functions.

- C. Accessory uses and support facilities, such as maintenance facilities, utilities, and other non-water-oriented uses, shall be consolidated and located in upland areas outside shoreline, wetland and riparian buffers unless such facilities, utilities, and uses are allowed in buffers based on the regulations of this SMP.

6.8 Residential Development

- A. The Town shall encourage the use of alternative paving products, such as pervious pavers, as a mechanism for reducing impervious surfaces and surface water runoff.
- B. Development shall, at a minimum, achieve a no net loss of ecological functions necessary to sustain shoreline natural resources, including development exempt from a substantial development permit.
- C. Residential height restrictions and setbacks as established by Table 6.2 of this SMP.

Note to Town: Ecology insists that the Town establish maximum impervious surface standards for the entire shoreline jurisdictional area, not just the first 50/10' upland of the OHWM.

- D. Total impervious area between the OHWM and 50' landward within the R40 zone shall be limited to twenty percent (20%) of that area, with no new impervious surfaces installed in the first 15 feet landward of the OHWM. Pathways providing access to the shoreline are permitted and shall utilize pervious materials. Residences shall be allowed to repair and maintain existing impervious areas within the shoreline setback area, and shall be allowed to replace existing impervious areas with the shoreline setback consistent with Section B.12 (Nonconforming Use and Development Standards) of Appendix B, Administration.
- E. Total impervious areas between the OHWM and 10' landward within the R20 and R20a zones shall be limited to twenty-five percent (25%) of the area. Pathways providing access to the shoreline are permitted and shall utilize pervious materials. Residences shall be allowed to repair and maintain existing impervious areas within the shoreline setback area, and shall be allowed to replace existing impervious areas with the shoreline setback consistent with Section B.12 (Nonconforming Use and Development Standards) of Appendix B, Administration.
- F. Subdivisions and plats. Subdivisions and plats shall:
 - 1. Comply with all applicable subdivision, critical area, and zoning regulations in this Master Program or Town code as applicable.
 - 2. Include facilities for water supply, wastewater, stormwater, solid waste, access, utilities and other support facilities in conformance with Town standards and which do not result in harmful effects on the shoreline or waters.
 - 3. Be designed using geotechnical analysis of the site and shoreline characteristics to 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.

4. Be designed, configured and developed in a manner that assures that no net loss of ecological functions results from division of land at full build-out of all lots and throughout all phases of development.

6.9 Shoreline Habitat and Natural Systems Enhancement Projects

- A. Shoreline enhancement may be permitted if the project proponent demonstrates that the enhancement will not adversely affect ecological processes, properties, or habitat.
- B. Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters.
- C. Shoreline restoration and ecological enhancement projects shall be permitted in all shoreline environments, provided the project's purpose is the restoration of natural character and ecological functions of the shoreline.

6.10 Shoreline Stabilization

6.10.1 General Shoreline Stabilization Regulations

Note to Town: Ecology required that WAC language be inserted essentially verbatim into these regulations.

- A. All shoreline stabilization measures must be limited to the minimum size necessary, and must use measures designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.
- B. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is prohibited.
- C. All new shoreline development shall be located and designed to minimize the need for shoreline modification activities.
- D. Shoreline stabilization structures shall avoid or minimize adverse impacts of proposed shoreline modification structures on ecosystem-wide processes (e.g., sediment transport) and functions (e.g., habitat).
- E. Shoreline stabilization solutions developed to replace existing shoreline stabilization shall be placed along the same alignment as, or, to the extent possible, landward of, the shoreline stabilization being replaced.
- F. Shoreline stabilization shall not significantly interfere with normal surface and/or subsurface drainage into the waterbody.

- G. Shoreline stabilization shall be designed so as not to constitute a hazard to navigation.
- H. Shoreline stabilization shall be designed so as not to create a need for shoreline stabilization elsewhere.
- I. Professional design (as approved by the Town) of all shoreline stabilization or modification structures is required.
- J. The applicant shall submit applicable materials required by Section B.3.2 (Shoreline Stabilization Special Submittal Requirements) of Appendix B.

6.10.2 Beach Restoration or Enhancement Regulations

- A. Beach enhancement shall be permitted when the applicant has demonstrated that the project will not detrimentally interrupt littoral processes, redirect waves, current, or sediment to other shorelines, or adversely affect adjacent properties or habitat.
- B. Natural Beach Restoration/Enhancement Design Standards: Natural beach restoration/enhancement shall not extend waterward more than the minimum amount necessary to achieve the desired stabilization and shall not disturb significant amounts of valuable shallow water fish/wildlife habitat without appropriate mitigation of the impacts.
- C. Natural Beach Restoration Construction Standards: The size and/or mix of new materials to be added to a beach shall be as similar as possible to that of the natural beach sediment, but large enough to resist normal current, wake, or wave action at the site. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk or profile (but not as much as to obviously create additional dry land).
- D. Beach enhancement is prohibited within fish and/or wildlife spawning, nesting, or breeding habitat that would be adversely affected by it and also where littoral drift of the enhancement materials would adversely affect adjacent spawning grounds or other areas of biological significance.

6.10.3 Soil Bioengineering Regulations

- A. All soil bioengineering projects shall use native plant materials appropriate to the specific area including trees, shrubs, and groundcovers.
- B. All cleared areas shall be replanted immediately following construction and irrigated (if necessary) to ensure that within three (3) years all vegetation is at least ninety (90) percent reestablished to achieve no net loss of ecological functions of the shoreline area. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable.
- C. Bank stabilization in the form of a vegetated buffer zone shall be maintained (e.g., weeding, watering, dead plant replacement) for a minimum of three (3) years. Any buffer

areas shall exclude activities that could disturb the site. Where determined necessary by the Shoreline Administrator, fencing may be required to ensure protection of buffer plantings.

- D. All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation.

6.10.4 Bulkhead Regulations

A. New or Enlarged Structural Stabilization (Bulkhead)

1. The Town may permit new or enlarged bulkheads to protect an existing primary structure if a geotechnical analysis provides conclusive evidence that the structure is in danger from shoreline erosion caused by waves, and either:
 - a. There is a significant possibility that the structure will be damaged within three (3) years as a result of shoreline erosion in the absence of hard structural stabilization measures;
 - b. Waiting until the need is immediate will result in the loss of opportunity to use measures that would avoid impacts on ecological functions; or
 - c. Where the geotechnical report confirms a need to prevent potential damage to the structure, but the need is not as immediate as three (3) years, the report may still be used to justify more immediate authorization to protect against erosion using soft structural stabilization measures.
2. The maximum height of bulkheads is 3 feet above the OHWM.
3. Any on-site drainage issues must be directed away from the shoreline edge prior to considering structural stabilization.
4. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements must be explored and must be shown to be infeasible or insufficient to protect the primary structure.

B. Replacement or Major Repair of Hard Structural Stabilization

Note to Town: Ecology agreed to restore the replacement thresholds previously proposed by the Town.

1. For the purposes of this section, major repair or replacement of a hard shoreline stabilization measure shall include the following activities:
 - a. A repair needed to a portion of an existing stabilization structure that has collapsed, eroded away or otherwise demonstrated a loss of structural

integrity, when the repair work involves modification of 50 percent or greater by length of the existing hard shoreline stabilization measure's sheet pile, bottom course of rock or footings; or

- b. A repair needed to an existing hard structural shoreline stabilization that has collapsed, eroded away, or otherwise demonstrated a loss of structural integrity when the repair work involves modification of more than 75 percent of the linear length of the existing hard structural shoreline stabilization measure's sheet pile, top or middle course of rocks, or other similar repair activities.

Note for Town: The Town must provide back-up documentation and analysis to support special treatment of the canal areas, or the language will be removed by Ecology.

2. The Town shall permit a major repair or replacement of an existing hard structural stabilization measure with a hard structural shoreline stabilization measure to protect existing primary structures, provided conclusive evidence prepared by a qualified professional is presented to the Town that the structure is in danger from shoreline erosion. The Town recognizes that the artificial nature of the constructed and excavated Fairweather Basin, Haug Channel and Cozy Cove Inlet precludes use of nonstructural or soft structural solutions, and thus will not require demonstration of need for proposed bulkhead modification projects in those areas.
- C. Minor repair of hard shoreline stabilization which does not meet the definition of 'replacement' shall be permitted.
- D. Repair or Replacement of Soft Shoreline Stabilization
1. Repair or replacement of soft shoreline stabilization measures shall be permitted.
 2. The applicant shall submit to the Town design recommendations for minimizing impacts and ensuring that the replacement or repaired stabilization measure is designed, located, sized, and constructed to assure no net loss of ecological functions.
- E. General Design Standards - The following design standards shall be incorporated into the stabilization design:
1. Soft structural shoreline stabilization measures shall be used to the maximum extent feasible, limiting hard structural shoreline stabilization measures to the portion or portions of the site where necessary to connect to existing hard shoreline stabilization measures on adjacent properties. The length of hard structural shoreline stabilization connections to adjacent properties shall be minimized to the maximum extent feasible, and extend into the subject property from adjacent properties no more than needed.

2. For enlarged, major repair or replacement of hard structural shoreline stabilization measures, excavation and fill activities associated with the structural stabilization shall be landward of the existing OHWM, except when not feasible due to existing site constraints or to mitigate impacts of hard structural stabilization by increasing shallow water habitat with gravel, rocks and logs.
3. For short-term construction activities, hard and soft structural stabilization measures must minimize and mitigate any adverse impacts to ecological functions by compliance with appropriate timing restrictions, use of best management practices to prevent water quality impacts related to upland or in-water work, and stabilization of exposed soils following construction.

Note for Town: Language stricken by Ecology regarding the canals has been re-introduced. However, the Town must provide back-up documentation and analysis to support special treatment of these areas, or the language will be removed again by Ecology.

4. For new and enlarged hard shoreline stabilization, the following additional measures shall be incorporated into the design:
 - a. To increase shallow-water habitat, install gravel/cobble beach fill waterward of the OHWM, grading slope to a maximum of 1 vertical (v): 4 horizontal (h). The material shall be sized and placed to remain stable and accommodate alteration from wind- and boat-driven waves.
 - b. Plant native riparian vegetation as follows:
 - i. At least 75 percent of the nearshore riparian area located along the edge of the OHWM shall be planted;
 - ii. The vegetated portion of the nearshore riparian area shall average ten (10) feet in depth from the OHWM, but may be a minimum of 5 feet wide to allow for variation in landscape bed shape and plant placement provided that the total square footage of the area planted equals ten (10) feet along the water's edge;
 - iii. Restoration of native vegetation shall consist of a mixture of native trees, shrubs and groundcover or use non-native species that replicate the structural habitat and ecological functions provided by native species;
 - iv. Plant materials shall be chosen from the list in Appendix E or otherwise approved by the Shoreline Administrator;

overriding safety, environmental or design concerns if the stabilization measure is moved landward of the OHWM. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. All other replacement structures shall be located at or landward of the existing shoreline stabilization structure.

- H. Specific Design Standards for Soft Structural Stabilization. In addition to the general design standards above, the following design standards shall be incorporated:
1. Provide sufficient protection of adjacent properties by tying in with the existing contours of the adjoining properties to prevent erosion at the property line. Proposals that include necessary use of hard structural stabilization measures only at the property lines to tie in with adjacent properties shall be permitted as soft structural shoreline stabilization measures. The length of hard structural stabilization connections to adjacent properties shall be the minimum needed and extend into the subject property from adjacent properties as reasonably required.
 2. Size and arrange any gravels, cobbles, logs, and boulders so that the improvement remains stable in the long-term and dissipate wave energy, without presenting extended linear faces to oncoming waves.
- I. Upland Shifts in OHWM - If shoreline restoration projects, including shoreline stabilization improvements that are not mitigation, intended to improve ecological functions results in shifting the OHWM landward of the pre-modification location, then shoreline regulations shall not apply to such affected property. If shoreline stabilization activities result in a reduced lot size for the subject property, the property's square footage prior to the stabilization improvement shall be considered for all aspects of compliance with the Town's zoning restrictions.

6.11 Transportation and Parking Facilities

- A. Joint use of transportation corridors within shoreline jurisdiction for roads, utilities and motorized and nonmotorized forms of transportation are encouraged.
- B. Shoreline restoration activities shall be part of all planned improvements for transportation corridors within shoreline jurisdiction. There shall be no net loss of shoreline ecological function.
- C. All debris and other waste materials from roadway construction shall be disposed of in such a way as to prevent their entry into any waterbody.
- D. Parking in shoreline areas shall be minimized and shall be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, and vegetation and habitat maintenance.
- E. Parking in shoreline areas must directly serve a permitted shoreline use. Parking as a primary use and parking which serves a use not permitted in shoreline jurisdiction is prohibited.

6.12 Utilities

- A. Repair, maintenance, replacement and upgrades to the City of Bellevue's lakeshore sanitary sewer line shall be accomplished with no net loss of ecological function.
- B. In areas where utilities must cross shoreline jurisdiction, they shall do so by the most direct route feasible, unless such a route would negatively impact an environmentally critical area, obstruct public access to the shoreline, or interfere with the navigability of a waterbody regulated by this SMP.
- C. Use of construction methods that avoid greater impact shall be used when feasible, which may include directional boring, use of sleeves or other construction methods which reduce or avoid temporary and long-term adverse ecological impacts.
- D. High voltage electric transmission lines are prohibited within shoreline jurisdiction.
- E. Solid waste disposal sites are prohibited within shoreline jurisdiction.
- F. Clearing for the installation or maintenance of utilities shall be kept to a minimum and, upon project completion, any disturbed area shall be restored as nearly as possible to pre-project conditions, including replanting with native species, or other species as approved by the Town. If the previous condition is identified as being undesirable, then landscaping and other improvements shall be undertaken.
- G. The location and construction of outfalls shall comply with all appropriate federal, state, and local regulations.
- H. The Town shall implement maintenance procedures to assure continued proper functioning of public surface water management and drainage systems.
- I. Accessory utilities, such as water, power, or wastewater lines serving a single-family residence, are permitted under the primary use served by the utility. To minimize disturbance in shoreline jurisdiction, and to reduce the impact on shoreline ecological functions, accessory utilities should be co-located within existing or proposed roadway, driveway, and/or parking area corridors that provide access to the development, except when the consolidation of the utilities within those areas will not realize the intended function of the utility or the cost of avoiding disturbance is substantially disproportionate as compared to the environmental impact of proposed disturbance. If co-location is not possible, impacts related to new accessory utility corridors and connections shall be mitigated.
- J. New accessory utility lines, including electricity and communications, shall be located underground. Existing above ground lines shall be moved underground when properties are redeveloped or in conjunction with major system upgrades or replacements.