

EXHIBIT I
SUMMARY OF MAJOR CHANGES/KEY REQUIREMENTS

Summary of Major Changes/Key Requirements				
	WAC Guidelines	Current Shoreline Program	Proposed Changes in Draft Shoreline Program	Notes on Flexibility/Options
Shoreline Designations				
Shoreline Designations	<ul style="list-style-type: none"> Assign an environment designation to each distinct shoreline section in its jurisdiction. This classification system shall be based on the existing use pattern, the biological and physical character of the shoreline, and the goals and aspirations of the community as expressed through comprehensive plans as well as the criteria in this section. Prescribe different sets of environmental protection measures, allowable use provisions, and development standards for each of these shoreline segments. Environment-specific regulations shall address permitted, prohibited, and conditional uses; height and bulk limits; setbacks; density and frontage; and site development standards to allow differentiation between designations. Six recommended environments: High Intensity, Shoreline Residential, Urban Conservancy, Rural Conservancy, Natural, and Aquatic. <p>See WAC 173-26-211 (4) and (5) for more information.</p>	<p>Conservancy Environment. These are characteristically large undeveloped or sparsely developed areas exhibiting some natural constraints such as wetland conditions, frequently containing a variety of flora and fauna and in a natural or seminatural state.</p> <p>Suburban Residential Environment. These are areas typified by single-family residential development medium sized or larger lots in areas where topography, transportation systems and development patterns make it extremely unlikely that more intensive use would be appropriate.</p> <p>Urban Residential Environment. These are areas containing, for the most part, single-family residential uses on small lots and multifamily residential developments, with some land being used for restaurants, marinas, and other commercial uses which depend on or benefit from a shoreline location.</p> <p>Urban Mixed Use Environment. The two types of areas which are appropriate for this classification are as follows: (A) Areas which have been intensively developed with a mix of residential and commercial uses; (B) Large mostly undeveloped areas without serious environmental constraint and with good access which will allow for more intensive mixed use development.</p>	<p>Natural. Protect and restore those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. The natural environment also protects shoreline areas possessing natural characteristics with scientific and educational interest. These systems require restrictions on the intensities and types of land uses permitted in order to maintain the integrity of the ecological functions and ecosystem-wide processes of the shoreline environment.</p> <p>Urban Conservancy. Protect and restore ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.</p> <p>Residential – L. Accommodate low-density residential development and appurtenant structures that are consistent with this chapter.</p> <p>Residential - M/H. Accommodate medium and high-density residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses, as well as limited water-oriented commercial uses which depend on or benefit from a shoreline location.</p> <p>Urban Mixed. Provide for high-intensity land uses, including residential, commercial, recreational, transportation and mixed-used developments. The purpose of this environment is to ensure active use of shoreline areas that are presently urbanized or planned for intense urbanization, while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.</p> <p>Aquatic. Protect, restore, and manage the unique characteristics and resources of the</p>	<p>The City has the option to establish a different designation system or retain its current environment designations, provided it is consistent with the purposes and policies of this section and WAC 173-26-211(5).</p>

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			areas waterward of the ordinary high water mark.	
Shoreline Setbacks				
Shoreline Setbacks	<ul style="list-style-type: none"> Environment-specific regulations shall address setbacks (among other items) to account for different shoreline conditions. WAC 173-26-211 (4). <p>Addressing residential development specifically:</p> <ul style="list-style-type: none"> Standards for density or minimum frontage width, setbacks, buffers, shoreline stabilization, critical areas protection, and water quality protection assure no net loss of ecological function. WAC 173-26-211(5)(f)(ii)(A) Single-family residences identified as a priority use only when developed in a manner consistent with control of pollution and prevent damage to the natural environment. Without proper management, single family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal. WAC 173-26-241(3)(j) Master programs shall include policies and regulations that assure no net loss of shoreline ecological functions will result from residential development. Such provisions should include specific regulations for setbacks and buffer areas, density, shoreline armoring, vegetation conservation requirements, and, where applicable, on-site sewage system standards for all residential development and uses and applicable to divisions of land in shoreline jurisdiction. WAC 173-26-241(3)(j) Residential development, including appurtenant structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses WAC 173-26-241(3)(j) Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses. WAC 173.26.201 2(d) 	<p>Suburban Residential: 15', 15% of average parcel depth, or if dwelling units exist immediately adjacent both to the north and south of the subject property, the high waterline yard of the subject property is increased or decreased to be the average of the high waterline yards of these adjacent dwelling units</p> <p>Urban Residential and Urban Mixed-Use: 15' or 15% of average parcel depth, whichever is greater.</p> <p>Conservancy: None, largely determined by buffers</p>	<p>Residential L:</p> <ul style="list-style-type: none"> North of Lake Ave W Street End Park: 30% of average parcel depth with 30' minimum and 60' maximum South of Lake Ave W Street End Park: Average of the existing setback on adjacent properties, with 15' minimum <p>Urban Mixed and Residential M/H: 15% of average parcel depth with 25' minimum. Setbacks established through Master Plan for Carillon Point.</p> <p>Urban Conservancy: Water-dependent uses: 0', Water-related use: 25', Water-enjoyment use: 30', Other uses: Outside of shoreline jurisdictional area, if feasible, otherwise 50'.</p> <p>Natural: New expanded critical area buffers</p>	<p>The state provisions do not prescribe minimum shoreline setbacks. Rather, shoreline setbacks are one of the mechanisms used to assure no net loss of ecological functions.</p> <p>When the existing built conditions along the shoreline were reviewed, the following median setbacks were observed for the different shoreline environments:</p> <p>Residential L: 43 feet Residential M/H: 24 feet Urban Mixed: 28 feet Larger setbacks prevailed in both the Urban Conservancy and Natural environments</p> <p>Based upon these existing conditions, as well as the reasonable likelihood that redevelopment would occur along the shoreline over the next 20 years, it was determined that existing setback standards, which permitted development to occur closer than existing built conditions, would result in a net loss.</p> <p>The goal in determining new setback standards were to determine a setback standard that appropriately balances:</p> <ul style="list-style-type: none"> Ecological functions, Use of property, and Takes into account existing development patterns.

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				<p>Proposed Approach to Setbacks:</p> <ul style="list-style-type: none"> • Review existing built conditions. • Evaluated for each shoreline environment. • Since setbacks vary greatly - find balance in meeting No Net Loss of the overall system while minimizing non-conformances <p>Using % of average parcel depth allows setback to be based on individual size</p> <p>Minimum setback to protect water quality and habitat</p> <p>Maximum setback assures deep lots are not overly burdened</p>
Setback Reductions	Not applicable.	None provided, except as authorized under a variance application.	Provide reduction of setback to potential minimum 25 feet or 15 feet (for properties in the Residential- L environment south of Lake Ave W Street End Park) in exchange for improvement in ecological functions.	The City can incorporate incentives, such as the shoreline reductions proposed. The key in crafting incentives is to be able to demonstrate that development will still meet no net loss.
Nonconformances				
Nonconformances – General Provisions	In some circumstances existing uses and properties may become non-conforming with regard to the regulations and master programs should include provisions to address these situations in a manner consistent with achievement of the policy of the act and consistent with constitutional and other legal	Nonconforming development may be continued provided that it is not enlarged, intensified, increased or altered in any way which increases its nonconformity.	Nonconforming structures may be maintained, remodeled, repaired and continued; provided that nonconforming development shall not be enlarged, intensified, increased or altered in any way which increases its nonconformity, except as specifically permitted.	The City does have some flexibility in establishing new non-conforming provisions, but it must ensure that development authorized under the nonconformance

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Additions to structures which do not conform to setback standards	limitations. WAC 173-26-191(2)(a)(iii).	Not permitted to nonconforming portions of building, except as authorized under a variance application.	Enlargement or expansion in the shoreline setback is permitted, under conditions. The expansion shall not exceed 10 percent of the building footprint of the existing dwelling unit prior to the expansion and shall not extend further waterward than the existing primary residential structure. The applicant must restore a portion of the shoreline setback area to offset the impact, such that the shoreline setback area will function at a higher level than the existing conditions.	provisions will continue to meet no net loss, as evaluated through the cumulative impact analysis. Typically, nonconforming structures are addressed in the following manner: <ul style="list-style-type: none">• Can continue to exist• Long term goal: eliminate• Nonconformity cannot increase Please note that DOE has indicated that non-conformity should be minimized when possible.
Replacement of nonconforming structure – General Provisions		Must comply with setback standards.	Must comply with setback standards, except special allowance for replacement of existing nonconforming structures located on lots encumbered by critical areas and shoreline setback that reduces buildable area to less than 3,000 square feet.	
Replacement of nonconforming structure damaged by fire or other casualty		Only permitted to be replaced if damage does not exceed 75% of the replacement cost of the original structures.	If damaged 100%, may be restored or replaced in kind, subject to conditions.	
Critical Areas				
Wetland Rating System	<ul style="list-style-type: none"> Wetlands rating or categorization system is based on rarity, irreplaceability, or sensitivity to disturbance of a wetland and the functions the wetland provides. Use Ecology Rating system or regionally specific, scientifically based method. WAC 173-26- 221(2)(c)(i)(B)] 	Wetland Rating System contained in Chapter 90 KZC. The system was designed prior to the issuance of the Ecology Rating System.	Regulations now use the Ecology Rating System.	Staff has consulted with the Department of Ecology on the adequacy of the City's current wetland regulations found in Chapter 90. The City's current wetland

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Wetland Buffers	<ul style="list-style-type: none"> Buffer requirements are adequate to ensure wetland functions are protected and maintained in the long-term, taking into account ecological functions of the wetland, characteristics of the buffer, and potential impacts associated with adjacent land uses. WAC 173-26-221(2)(c)(i)(B) 	<p>Under the current SMP, all uses, developments and activities on sites containing environmentally sensitive areas must comply with all applicable local, state and federal laws pertaining to development in these areas. In addition, the site must be specifically designed so that the hazards from or impact on the environmentally sensitive area will be mitigated.</p> <p>In addition to any other authority the city may have, the city is authorized to condition or deny a proposed use, development or activity or to require site redesign because of hazards associated with the use, development or activity on or near an environmentally sensitive area and/or the effect of the proposal on the environmentally sensitive area.</p> <p>Also regulated under Chapter 90 KZC, as follows: Primary Basin: Type I Wetland: 100 feet Type 2 Wetland: 75 feet Type 3 Wetland: 50 feet</p> <p>Secondary Basin: Type I Wetland: 75 feet Type 2 Wetland: 50 feet Type 3 Wetland: 25 feet</p>	<p>Shoreline buffers apply only to that portion of the buffer located within 200 feet of OHWM.</p> <p>Buffer would be dependent on existing wetland characteristics. Based on current knowledge of wetland functions and values, the following buffers may be required:</p> <p>Forbes Creek wetlands: 150 feet Yarrow Bay wetlands: 125 feet South Juanita Slope: 75 feet Juanita Beach Park: 50 feet</p>	<p>regulations were adopted in 2003, which predates the issuance of the final version of the Department of Ecology's Western Washington Wetland Rating System as well as Ecology's synthesis of scientific literature on wetlands and issuance of guidance for management of wetlands (Wetlands in Washington State). Both of these documents meet the criteria for Best Available Science (BAS) as defined in WAC 365-195-905, which cities and counties are required to meet when amending their zoning regulations to protect critical areas.</p> <p>After review, the Department of Ecology has issued a formal letter advising the City that our</p>

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Compensatory Mitigation	<ul style="list-style-type: none"> Wetland mitigation requirements are consistent with WAC 173- 26-201(2)(e) and which are based on the wetland rating. WAC 173-26-221(2)(c)(i)(E) and (F) Compensatory mitigation allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible. Compensatory mitigation requirements include (I) replacement ratios; (II) Performance standards for evaluating success; (III) long-term monitoring and reporting procedures; and (IV) long-term protection and management of compensatory mitigation sites. WAC 173-26-221(2)(c)(i)(F) Compensatory mitigation requirements are consistent with preference for "in-kind and nearby" replacement, and include requirement for watershed plan if off-site mitigation is proposed. WAC 173-173-26-201(2)(e)(B) 	<p>See SMP provisions above.</p> <p>Also regulated under Chapter 90 KZC, as follows:</p> <p>Primary Basin: Type I Wetland: 3:1 Type 2 Wetland: 2:1 Type 3 Wetland: 1.5:1</p> <p>Secondary Basin: Type I Wetland: 3:1 Type 2 Wetland: 1.5:1 Type 3 Wetland: 1:1</p>	<p>New compensatory mitigation ratios proposed.</p> <p>Mitigation sequencing added to Section 83.500.</p>	<p>wetland rating system does not meet the requirements established in WAC 173-26-221(2). The City's standard buffers are also not consistent with current Ecology Guidance.</p> <p>According to current state requirements, the City must undertake an update to its current critical area regulations by 2011. The deadline for completion of the update to the SMP is 2009, which means that the City must make some amendments with this SMP update to be consistent with the State Guidelines. In evaluating options on how to respond to this issue, staff has considered the schedule and time frame in which to complete the SMP. Given these factors, staff is recommending that a full update of the critical areas ordinance be deferred until a later time in order to allow the SMP to progress on a timely schedule and with sufficient focus and attention, as well as to ensure that sufficient staff resources can be dedicated to updating the critical areas ordinance City-wide.</p>
Tree Management and Vegetation in Shoreline Setback				
Required Vegetation in Shoreline Setback	<p>The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. WAC 173-26-221(5)</p> <p>Identify how existing shoreline vegetation provides ecological functions and determine methods to ensure protection of those functions. Identify important ecological functions that have been degraded through loss of vegetation. Consider the amount of vegetated</p>	No specific standards in SMP or Zoning Code for shoreline riparian plantings.	<p><u>Residential Low</u>: 10 ft wide planted with native vegetation along 75% of the shoreline frontage. May vary down to 5 ft in width but total area must equal at 10 ft wide area</p> <p><u>Residential Medium High</u>: Same as Residential Low, except that multifamily developments must provide the following: 15 ft wide average wide average with native vegetation planting along 75% of the shoreline frontage,</p>	The state provisions do not prescribe a minimum shoreline planting requirement. Rather, retention of existing vegetation is important in meeting the requirements of no net loss and restoration of vegetation along the shoreline is an important

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	<p>shoreline area necessary to achieve ecological objectives. While there may be less vegetation remaining in urbanized areas than in rural areas, the importance of this vegetation, in terms of the ecological functions it provides, is often as great or even greater than in rural areas due to its scarcity. Identify measures to ensure that new development meets vegetation conservation objectives. WAC 173-26-201(3)(d)(iiiv).</p> <p>Current scientific evidence indicates that the length, width, and species composition of a shoreline vegetation community contribute substantively to the aquatic ecological functions. Likewise, the biota within the aquatic environment is essential to ecological functions of the adjacent upland vegetation. The ability of vegetated areas to provide critical ecological functions diminishes as the length and width of the vegetated area along shorelines is reduced. When shoreline vegetation is removed, the narrower the area of remaining vegetation, the greater the risk that the functions will not be performed. WAC 173-26-221(5)</p> <p>WAC 173-26-221(5) includes the following: 1. Include planning and regulatory provisions to address vegetation conservation and restoration. 2. Use available scientific information to establish vegetation 3. Establish standards through setbacks, buffers, clearing and grading, incentives, environment designation standards, or other provisions. 4. Pruning and management of noxious weeds should be allowed.</p> <p>In addition, vegetation is one of the elements that would be involved in "ecological restoration" that must be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent commercial development unless such improvements are demonstrated to be infeasible. [WAC 173-26-411(3)(d)]</p> <p>Vegetation is likely to be the major element involved in allowing nonwater-oriented commercial uses within the shoreline, which requires that the development provide "a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration."</p>		<p>but total area must equal 15 ft wide area.</p> <p>Special provisions for water-dependent uses, where vegetation is required in those areas not needed for direct water access. For public parks, the required native vegetation area of 75% may be modified for the remaining portions of the nearshore that do not contain a swimming beach, boating area, public access to the water or other similar water dependent activities if it can be demonstrated not to be feasible given public access, existing conditions or maintaining public views, and if the vegetation area is provided elsewhere in the park. <i>(Note: The Planning Commission and the HCC differed on this issue)</i></p> <p>Public access walkway may enter into vegetation area provided that total vegetation requirement is met.</p> <p>Provisions for alternatives provided.</p>	<p>mitigation technique to provide functions that have been adversely impacted by development activities.</p> <p>The vegetation requirements are intended to address impacts to the shoreline from developments and activities within shoreline jurisdiction as described above.</p>

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	[WAC 173-26-411(3)(d)].			
Tree Management	<p>The intent of vegetation conservation is to protect and restore the ecological functions and ecosystem-wide processes performed by vegetation along shorelines. WAC 173-26-221(5)</p> <p>Vegetation standards implement the principles in WAC 173-26- 221(5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions. WAC 173-26-221(5)(c)</p> <p>Selective pruning of trees for safety and view protection is allowed and removal of noxious weeds is authorized. WAC 173-26-221(5)(c)</p> <p>Ensure that all shoreline master program provisions concerning proposed development of property are established, as necessary, to protect the public's health, safety, and welfare, as well as the land and its vegetation and wildlife, and to protect property rights while implementing the policies of the Shoreline Management Act. WAC 173-26-21(2)(a)(ii)</p>	<p>No specific standards (in SMP). Subject to Chapter 95 KZC Standards, including (but not limited to):</p> <ul style="list-style-type: none"> o Up to 2 significant trees allowed to be removed from property within a 12 month period o No replanting required, unless the trees to be removed are the last two significant trees on the property, in which case one-for-one replacement is required o Submittal of Tree Plan requirement for development activities o Minimum tree density for residential property of 30 tree credits per acre. 	<p>Subject to Chapter 95 KZC Standards, with the following additional replacement requirements:</p> <p><u>For removal of 1 conifer, <24" dbh, the following replacement is required:</u></p> <ul style="list-style-type: none"> • For removal of <12" dbh: 1 conifer + 40 sq. ft. of planting or 1 additional tree☐ • For removal >12" dbh: 1 conifer + 80 sq. ft. or 1 additional tree <p><u>For removal of 1 deciduous, <24" dbh, the following replacement is required:</u></p> <ul style="list-style-type: none"> • For removal of <12" dbh: 1 tree + 40 s. ft. of planting or 1 additional tree☐ • For removal >12" dbh: 1 tree + 80 sq. ft. or 1 additional tree <p><u>For removal of any tree >24" dbh, the following is required:</u></p> <ul style="list-style-type: none"> • Must be hazard or nuisance☐ • For 1 conifer, replace with 2 conifers. • For 1 deciduous, replace with 2 trees <p><i>(Note: The Planning Commission and HCC differed on the planting of 40 sq. ft for removal of 1 tree).</i></p>	<p>This is an area where the City needs to ensure that any functions that are lost when a tree is removed are properly mitigated in order to meet no net loss. The proposed tree/shrub replacement ratio is intended to support (make up for) functions that would be lost when a tree is removed. This is based on the reality that habitat functions associated with a larger mature tree could not be provided on a 1:1 ratio with a newly planted young tree. In other words, there is a temporal loss when a mature tree is removed and replaced with a young tree that may take many years to grow to a size equivalent to the original tree.</p> <p>WAC 173-26-221(5)(c) notes that the SMP is required to establish vegetation conservation techniques such as clearing and grading, that apply to the shoreline jurisdiction. Staff has proposed to implement tree retention provisions specifically within the shoreline setback since vegetation in this area in particular provides key shoreline functions.</p>
Miscellaneous				
Public Access	<p>WAC 173-26-221(4) establishes the following:</p> <ol style="list-style-type: none"> 1. Promote and enhance public access to waters held in public trust. 2. Protect rights of navigation and space for water dependent uses. 3. Protect public opportunity to enjoy physical and aesthetic shoreline qualities, including views. 	<p>All uses, developments and activities must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property at or close to the high waterline, except for the following:</p> <p>(1) The construction, repair, remodeling and use of one detached dwelling unit, as well as the</p>	<p>Provide public pedestrian walkways along the water's edge (at least 6 feet wide, but no more than 8 feet wide).</p> <p>Provide public pedestrian walkways designed to connect the shoreline public pedestrian walkway to the abutting right-of-way.</p>	<p>As an option to meeting the site by site public access requirements, the City can propose an overall public access plan for consideration by DOE.</p>

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	<p>4. Regulate permitted uses to minimize interference with public use of water</p> <p>5. Local governments should plan for integrated public access system.</p> <p>6. Address public access on public lands.</p> <p>7. Require public shoreline development to include public access measures in developments unless incompatible, or alternate public access planning replaces site by site requirements.</p> <p>8. Provide public access standards for water enjoyment, water related, and non-water dependent uses and subdivision into more than four parcels unless addressed by a public access planning process, or there are incompatibility issues. Consider alternate methods such as off-site improvements, viewing platforms, separation of uses, and restriction of hours.</p> <p>9. Minimize impacts to existing views from public property or substantial numbers of residences. Give priority to water dependent uses where there is conflict.</p> <p>10. Assure no net loss of ecological functions.</p>	<p>construction, remodeling, repair and use of bulkheads, docks, and other uses, developments and activities incidental to the use of the subject property as habitation for one family.</p> <p>(2) All uses, development and activity in conservancy environments, or environmentally sensitive areas where the city determines that access would create distinct and unavoidable hazards to human safety or be contrary to city policies regarding the protection of unique and fragile environments.</p>	<p>Provisions apply to all development, except the following:</p> <p>a. Development, other than public entities such as government facilities and public parks, located within the Residential - L shoreline environment.</p> <p>b. Development located within the Natural shoreline environment.</p> <p>c. Detached Dwelling unit on one lot and normal appurtenances associated with this use that is not part of a land division. For development involving land division, public pedestrian access is required, unless otherwise excepted under this subsection.</p>	
View Corridors	See provisions for public access above.	For properties lying waterward of Lake Washington Boulevard, Lake Street South, 98th Avenue NE, or Juanita Drive, the current standard requires a minimum view corridor of thirty percent of the average parcel width must be maintained.	For properties lying waterward of Lake Washington Boulevard and Lake Street South, a minimum view corridor of thirty percent of the average parcel width must be maintained. Standard does not apply to properties located in the UM Shoreline Environment within the Central Business District zone.	The City has broad flexibility in how it approaches meeting the visual access provisions of the SMA and guidelines.
Lighting	Not specifically addressed, except as it relates to no net loss of ecological functions.	No specific standards.	Direction and shielding requirements. Some light level standards.	<p>There are an increasing number of studies that indicate adverse affects of night lighting on birds, amphibians, and fish (for example, literature reviews by Rich and Longcore 2006 and Rich and Longcore 2004; local study on Lake Washington, Mazur and Beauchamp 2006).</p> <p>As a result, this is one of the impacts that should be minimized and mitigated for in meeting no net loss.</p>
Piers serving single family residences				

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Joint Use	When permitted, new residential development of more than two dwellings required to provide joint use or community docks, rather than individual docks. WAC 173-26-231(3)(b)	In the suburban residential shoreline environment, moorage structures and facilities may not provide moorage for more than two boats; provided, however, that waterfront lots in this environment are encouraged to develop joint or shared moorage facilities. If this occurs, the joint or shared moorage facility may contain up to two moorages for each waterfront lot participating in the joint or shared moorage facility.	Joint use pier required: 1) On lots subdivided to create additional lots with waterfront access rights. 2) New residential development of two or more dwelling units with waterfront access rights.	While the state provisions do not prescribe maximum dimensional standards for piers or docks, DOE has very clearly outlined expectations for piers and docks, as follows: <ul style="list-style-type: none"> • Must base regulations on relevant scientific information. Within Lake Washington, DOE has specified the use of the Army Corps of Engineer's RGP-3 standards, unless the City can propose an alternative approach based upon relevant scientific information. • City cannot depend on another agency's standards to maintain NNL. Therefore, the City must adopt specific standards for piers into its regulations, and cannot defer to the Corps or WDFW review. • Dimensional standards must be proposed as part of the updated SMP
Maximum Area: surface coverage, including all attached float decking, ramps, ells and fingers	WAC 173-26-231(1) provides the following general provisions addressing all shoreline modifications, which would include shoreline stabilization and piers and docks. <ol style="list-style-type: none"> 1. Allow structural shoreline modifications only where demonstrated to be necessary to support a primary use, legally existing use in danger of loss or damage, or for mitigation or enhancement. 2. Limit number of modifications and reduce effects. 3. Allow modifications appropriate to shoreline type and environmental conditions. 4. Ensure no individual or cumulative loss of ecological functions. 5. Plan for enhancement of impaired ecological functions, and incorporate measures to protect functions and ecosystem processes. 6. Employ mitigation sequencing. WAC 173-26- 231(3)(b) establishes the following: <ol style="list-style-type: none"> 1. Allow new piers and docks only for water dependent uses or public access. 2. Restrict to minimum size necessary to meet needs of use. 	Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats to be moored. The city will specifically review the size and configuration of each proposed moorage structure to help ensure that: <ol style="list-style-type: none"> (1) The moorage structure does not extend waterward beyond the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line; (2) The moorage structure is not larger than is necessary to moor the specified number of boats; and (3) The moorage structure will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and (4) The moorage structure will not adversely affect nearby uses; and (5) The moorage structure will not have a significant long-term adverse effect on aquatic habitats. (SMP) 	480 sq. ft. for single property owner 700 sq. ft. for joint-use facility used by 2 residential property owners 1000 sq. ft. for joint-use facility used by 3 or more residential property owners Where pier cannot reasonably be constructed under the area limitation above to obtain moorage depth of 10 ft. measured above OHWM, an additional 4 sq. ft. of area may be added for each additional foot of pier length needed to reach 10 feet of water depth. OR Administrative approval allowed for larger area, provided design is approved by federal and state agencies with jurisdiction.	
Maximum Length for piers, docks, ells, fingers and attached floats	<ol style="list-style-type: none"> 3. Water related and water enjoyment uses are allowed as part of mixed-use development on over water structures if auxiliary and supportive of water dependent uses. 4. Demonstrate need to support water dependent uses for new piers and docks. 5. Needs analysis of port district or other public or 	In addition to standards above, 150' (Zoning Code)	150 ft, but piers or docks extending further waterward than adjacent piers or docks must demonstrate that they will not have an adverse impact on navigation. 26 ft. for ells 20 ft. for fingers and float decking attached to a pier	The proposed dimensions for new piers follow the Army Corp of Engineer standards (RGP3). (4-ft wide pier is from these provisions). In response to public comments,

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	WAC Guidelines	Current Shoreline Program	Proposed Changes in Draft Shoreline Program	Notes on Flexibility/Options
Maximum Width	<p>commercial entity is sufficient to demonstrate need if approved by local government.</p> <p>6. Require new residential development of two or more dwellings to provide joint use.</p> <p>7. Design and construct all piers and docks required to avoid, minimize and mitigate for impacts to ecological processes and functions</p> <p>8. Piers and docks shall be made of material approved by state agencies.</p> <p>DOE has provided the following additional written guidance:</p>	<p>May not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width (Zoning Code).</p>	<p>4 ft. for pier or dock walkway</p> <p>6 ft. for ells</p> <p>2 ft. for fingers</p> <p>6 ft. for float decking attached to a pier, must contain a minimum of 2 ft. of grating down the center of the entire float.</p> <p>OR</p> <p><u>Administrative approval</u> allowed for 4 ft. for pier or dock within 30 ft of OHWM and 6 ft beyond that point</p>	<p>administrative deviations to certain aspects of these provisions is permitted, if approved the Army Corps and WDFW.</p> <p>The Planning Commission is looking to mirror the Army Corp of Engineer's pier dimension requirements.</p> <p>A property owner can replace a pier of at least the same size as they currently have and larger if the pier is smaller than the new pier standard.</p>
Height of piers and diving boards	<ul style="list-style-type: none"> • Must base regulations on relevant scientific information • City cannot depend on another agency's standards to maintain NNL • Dimensional standards must be proposed as part of the updated SMP 	<p>Waterward of the high waterline, pier and dock decks may not exceed a height of twenty-four feet above mean sea level. (Note: This is less than 1.5 feet above OHW).</p>	<p>Minimum of 1.5 ft above ordinary high water, except the floating section of a dock and float decking attached to a pier</p> <p>Maximum of 3 feet above deck for diving boards or similar features above the deck surface</p>	
Minimum Water Depth for ells and float decking attached to a pier		<p>Not specifically addressed.</p>	<p>Must be in water with depths of 9 feet or greater at the landward end of the ell or finger.</p> <p>Must be in water with depths of 10 feet or more at the landward end of the float</p> <p>OR</p> <p><u>Administrative approval</u> allowed for shallower water depth approved by state and federal agencies with jurisdiction.</p>	
Decking for piers, docks walkways, ells and fingers		<p>Not specifically addressed.</p>	<p>Piers and docks and platform lifts must be fully grated or contain other materials that allow a minimum of 40% light transmittance through the material</p> <p>If float tubs for docks preclude use of fully grated decking material, then a minimum of 2 ft. of grating down the center of the entire float shall be provided</p>	
Location of ells, fingers and deck platforms		<p>Not specifically addressed.</p>	<p>30 ft. waterward of the OHWM</p> <p>0 ft. to 30 ft. of the OHWM only can contain access ramp portion of pier or dock</p>	

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Pilings and Moorage Piles		Not specifically addressed.	First set of piles located no closer than 18 ft from OHWM	
Additions to Existing Piers		Must meet same standards as new.	Must demonstrate need for addition (safety, depth) Convert existing nearshore decking to grated decking equivalent in size to the additional surface coverage	
Replacement of Existing Piers		Must meet same standards as new.	Must meet the dimensional and design standards for new piers, but can be <u>administratively approved</u> for the following alternative design features: <ul style="list-style-type: none"> • Increased pier area, but no larger than existing pier. • Max. 26 ft. length for fingers and float decking attached to a pier • Max 8 ft. width for ells and float decking attached to a pier 	
Boatlifts and Canopies		Canopies are not permitted.	Permit canopies associated with watercraft lifts in Residential – L environment, with restrictions on number, size, and materials.	
Shoreline Stabilization				
Permits	Not specifically addressed.	<p>Bulkheads may be exempt from shoreline substantial permit requirements only if specific criteria are satisfied, including: erosion from waves or currents is imminently threatening a legally established residence from loss or damage by erosion.</p> <p>The following permits are required for bulkheads and similar structures:</p> <p>Urban Mixed 1: Substantial Development Permit. Urban Mixed 2: Substantial Development Permit. Urban Residential 1: Substantial Development Permit. Urban Residential 2: Substantial Development Permit. Suburban Residential: Substantial Development Permit. Conservancy 1: Not permitted. Conservancy 2: Not permitted.</p>	<p>Bulkheads may be exempt from shoreline substantial permit requirements only if specific criteria are satisfied, including: erosion from waves or currents is imminently threatening a legally established residence from loss or damage by erosion.</p> <p>The following permits are required for Hard Structural Shoreline Stabilization:</p> <p>Residential – L: Substantial Development Permit. Residential – M/H: Substantial Development Permit. Urban Mixed: Substantial Development Permit. Urban Conservancy: Conditional Use. Natural: Not permitted.</p>	The State Guidelines have established prescriptive standards addressing shoreline stabilization. There is very little flexibility for changes to the provisions established in the State Guidelines.
Permitted Uses	New development <i>(including newly created parcels)</i> required to be designed and located to prevent the need for future shoreline stabilization, based upon geotechnical analysis.	Prevent erosion of the shoreline.	Erosion from waves or currents is imminently threatening a legally established residence, and existing or new water-dependent development, or for restoration or a hazardous waste remediation site	

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Allowable Reasons	<p>New structural stabilization measures are not allowed except when necessity is demonstrated. Specific requirements for <i>how to demonstrate need</i> are established for:</p> <p>(I) existing primary structures; (II) new non-water-dependent development including Single Family Residences; (III) water-dependent development; and (IV) ecological restoration/toxic clean-up remediation projects. WAC 173-26-231(3)(a)(iii)(B)</p> <p>Replacement of existing stabilization structures is based on demonstrated need. Waterward encroachment of replacement structure only allowed for residences occupied prior to January 1, 1992, or for soft shoreline stabilization measures that provide restoration of ecological functions. WAC 173-26-231(3)(a)(iii)(C)</p> <p>Geotechnical reports should estimate time frames and rates of erosion to demonstrate need and urgency for hard armoring (structure will be damaged within three years), or that waiting will foreclose opportunities. WAC 173-26-231(3)(a)(iii)(D)</p> <p>WAC 173-26-231(3)(a)(iii) also establishes the following:</p> <p>Soft shore stabilization should be permitted waterward of OHWM</p> <p>Additions to or increases in size shall be considered new structures.</p>	<p>A bulkhead or other shoreline protective structure may be constructed only if:</p> <p>(1) It is needed to prevent significant erosion of the shoreline; and (2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.</p>	<p>New or Enlargement of Hard Shoreline Structural Measures (enlargement includes additions and increases in size, such as height, width, length, or depth, to existing shoreline stabilization measures):</p> <ul style="list-style-type: none"> Allowed when existing primary structure is 10 feet or less from OHWM When existing primary structure is greater than 10 feet from OHWM, requires geotechnical report to show need, an evaluation of the feasibility of soft rather than hard structural shoreline stabilization measures and design recommendations for minimizing structural shoreline measures. <p>Major Repair or Replacement of Hard Shoreline Structural Measures:</p> <ul style="list-style-type: none"> Allowed when existing primary structure is 10 feet or less from OHWM For existing primary structure is more than 10 feet from the OHWM, requires a written narrative that provides a demonstration of need <p>New, Enlarged, Repair or Replacement of Soft Shoreline Stabilization Measure</p> <ul style="list-style-type: none"> Allowed when existing primary structure is 10 feet or less from OHWM or for repair or replacement. For primary structure greater than 10 feet from the OHWM, new or enlarged requires a written narrative that provides a demonstration of need 	
Prohibited Locations	<p>When any structural shoreline stabilization measures are demonstrated to be necessary:</p> <ul style="list-style-type: none"> Limit the size of stabilization measures to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions 	<p>Bulkheads and other shoreline protective structures may not be constructed within a marsh, bog or swamp or between a marsh, bog or swamp and the lake.</p>	<p>Within Natural Environment Designations.</p>	
Design Considerations		<p>Bulkheads and other shoreline protective structures must be designed to minimize the transmittal of wave energy to other properties.</p>	<p>Use soft structural shoreline measures to maximum extent possible. Address connections to adjoining properties.</p>	

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Placement	<ul style="list-style-type: none"> Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses. 	Bulkheads and other shoreline protective structure may not be placed waterward of the high waterline, unless: <ol style="list-style-type: none"> (1) It is to stabilize a fill approved under Section 24.05.195; or (2) There has been severe and unusual erosion within one year immediately preceding the application for the bulkhead or other similar protective structure. In this event, the city may allow the placement of the bulkhead or other similar protective structure to recover the dry land area lost by this erosion. 	Replacement hard structural shoreline stabilization measures shall not encroach waterward of the ordinary high water mark or waterward of the existing shoreline stabilization measure unless the primary structure was constructed prior to January 1, 1992, and there is overriding safety or environmental concerns. 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.	
Change in Configuration of Land		Except as otherwise specifically permitted in this chapter, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.	If OHWM shifts landward with installation of soft structural shoreline stabilization, lot area and setback will vest based upon existing OHWM prior to restoration.	
Fill waterward of the OHWM		Only permitted if: <ol style="list-style-type: none"> The application is filed by a public agency to improve navigability, public recreation, or public safety; or The application is to create a public use or recreation area. 	Permitted under a substantial development permit when associated with a restoration or enhancement project.	
Mitigation		None, except as may be required under environment review under the State Environmental Policy Act (SEPA)	Planting of riparian vegetation a minimum of 10-feet wide along the 75 % of the length of the shoreline immediately landward of OHWM. Install gravel/cobble beach fill waterward of the ordinary high water mark.	