



# SHORELINE MASTER PROGRAM UPDATE



## Shoreline Master Program

### Regulations

September 11, 2008



# SHORELINE MASTER PROGRAM UPDATE



## Agenda

- Overview of Shoreline Environment Designations
- Overview of Use Table
- Overview of Definitions
- Overview of General Regulations
- Discuss each issue
- Provide staff with policy direction on key issues
- Review draft Work Program



# SHORELINE MASTER PROGRAM UPDATE



- **Broad Goals of Designations**

- Ensure protection of ecologically intact shorelines.
- Reserve appropriate waterfront lands for water-dependent and water-related uses, public access.
- Designate based on current conditions (structures/ uses/ clearing) regardless of previous SMP Designation
- Integrate for consistency with overlapping land use plans.



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- **Environment Designations**

- Each Designation has stated purpose, based on WAC 173-26 Guidelines.
- Different shoreline reaches are designated based on specified criteria.
- Development limitations and conditions for allowed uses are established.
- Policies and regulations are developed for each Designation. These reflect the specific purpose, per Guidelines.



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## Environment Designations are based on:

- Physical, biological, and development characteristics of specific shoreline reaches.
- The old standard set was:
  - “Natural”,
  - “Conservancy”,
  - “Rural” and
  - “Urban”.

## New state guidelines recommend six designations:

- “Natural,”
- “Rural-conservancy,” (not used in Kirkland)
- “Urban conservancy,”
- “High-intensity,” (referred to as Urban Mixed)
- “Shoreline residential,” (referred to as Urban Residential or Low Density Residential), and
- “Aquatic”



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## Priorities of Consideration:

- Primary Considerations for Designation include:
  - Guidelines Designation Criteria, which include:
    - existing use patterns
    - biological and physical character of the shoreline
    - goals and aspirations of the community as expressed through comprehensive plans
  - Use the Inventory & Characterization as basis for analyzing consistency with Designation Criteria.
  - Maintain ecological functions.



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- **Natural Designation**
  - Applied to areas that have low human disturbance and high value ecologically
  - Protection is the clear priority for these areas
  - Regulations should identify specified uses that can be allowed without much impact
- **Staff recommendation: The Natural designation has been applied to:**
  - **Areas in Juanita Bay Park within 200 feet of the Lake Washington ordinary high water mark, as well as wetlands within the Forbes Creek wetland complex which extends into the Forbes Creek corridor to Planned Area 9.**
  - **Wetlands in and adjacent to the Yarrow Bay Wetlands complex.**



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- **Urban Conservancy Designation**
  - Function as open space, flood plain or other sensitive areas that should not be more intensively developed;
  - Retain important ecological functions, even though partially developed
  - Suitable for water-related or water-enjoyment uses;
  - Have potential for ecological restoration.
- **Staff recommendation: Applied to:**
  - **All areas classified as Park/Open Space in the Comprehensive Plan, except for:**
    - Portions of Juanita Beach Park and Marina Park which are located within urban business districts and planned to have a higher intensity of development, and
    - Yarrow Bay and Juanita Bay Wetlands Parks which would be in the Natural designation.
  - **A portion of private beach west of Juanita Beach Park would be included in this designation because of its natural shoreline and location next to a Class A stream.**



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- **Urban Mixed Designation**
  - These areas more focused on human USE.
  - Allow range of uses; minimize further impacts to ecological functions.
- **Staff recommendation: Applied to:**
  - All areas classified as Commercial and Office/Multi-Family in the Comprehensive Plan, except for certain parcels containing associated wetlands contiguous with the Yarrow Bay or Juanita Bay wetlands.
  - Marina Park and portions of Juanita Beach Park, which both support or are planned to support high-intensity water-oriented uses



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- **Shoreline Residential**
  - Areas planned for high or medium density residential uses.
  - Have distinct needs for protection of ecological resources.
  - Two designations proposed:
    - Low-density
    - Urban Residential
- **Staff recommendation: Applied to:**
  - ***Low Density Residential*** - All areas classified as Low Density Residential in the Comprehensive Plan, except for those parcels containing associated wetlands contiguous with the Yarrow Bay or Juanita Bay wetlands.
  - ***Urban Residential*** - All areas classified as High Density Residential and Medium Density Residential in the Comprehensive Plan, except wetland or stream buffer areas that have been designated as either Natural or Urban Conservancy.



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- **Aquatic Designation**
  - Protect, restore, and manage the unique characteristics and resources of the shoreline areas waterward of the Ordinary High Water Mark.
  - Prohibit, limit, allow or encourage particular uses, such as:
    - Piers, floats, bulkheads and other shoreline modifications.
- **Staff recommendation: Applied to:**
  - Lands waterward of the ordinary high water mark.



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- Key differences between Comp Plan and proposed designations:
  - Yarrow Bay –
    - A **Natural** designation over all or part of undeveloped single family platted parcels that contain **wetlands**.
    - The **Natural** designation overlaps onto **wetlands** contained on some properties that are designated for either medium density development or Office/Multifamily.
  - Juanita Bay –
    - A **Natural** designation is proposed to the associated **wetlands** in and adjacent to Juanita Bay Park, extending into the Forbes Creek corridor east to Planned Area 9.
    - The **Natural** Designation has also been applied to the portions of properties located on the west side of 98th Avenue NE that contain **wetlands**, including the former restaurant site.
    - Juanita Beach Camps Community Beach –**Urban Conservancy** designation placed on the portion of the community beach property that is within the **stream buffer**. The remaining northern portion of the community beach property would be designated as **Urban Residential** because the Comprehensive Plan designates the property for high density residential.



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- Key changes to existing SMP:
  - Extensive part of wetlands in Forbes Creek corridor now included in SMP and designated Natural
  - Areas in JBD redesignated from UR to UM
  - Natural area around Juanita Creek outlet protected with Natural designation
  - Shoreline parks reclassified from Residential to UC designations
  - Areas on east side of Lk St/Lk Wa Blvd classified to be consistent with Comp Plan designations
  - UM 1 & 2 classifications combined
  - UR 1 & 2 classifications combined



# SHORELINE MASTER PROGRAM UPDATE



## Shoreline Environment Designations

- Questions or comments on proposed designations?



# SHORELINE MASTER PROGRAM UPDATE



## Shoreline Environment Designations

- Each designation has specific policies and regulations to guide use and development



# SHORELINE MASTER PROGRAM UPDATE



- Shoreline Uses
  - Commercial Uses
    - Guiding Principles:
      - Preference to water-dependent uses, then water-related and water-enjoyment
      - Predominately found in UM designations
        - » Provided location standards to limit non-water oriented uses on properties with waterfront access
        - » Prohibited some intensive non-water oriented uses
      - Limited commercial uses allowed in UR, subject to a Conditional Use process, with location standards
      - Limited commercial uses allowed in UC accessory to a public park
- Policy direction needed on commercial floatplane facilities

The chart is coded according to the following legend. SD = Substantial Development CU = Conditional Use X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit	Natural	Urban Conservancy	Low-Density Residential	Urban Residential	Urban Mixed	Aquatic
<b>SHORELINE USE</b>						
<b>Commercial Uses</b>						
<b>Water-dependent uses</b>						
Float plane landing and mooring facilities <sup>[ii]</sup>	X	X	X	X	CU	See adjacent upland environments
<b>Water-related, water-enjoyment commercial uses</b>						
Any water-oriented Retail Establishment other than those specifically listed in this chart, selling goods or providing services.	X	SD <sup>[iii]</sup>	X	X	SD	X
Retail Establishment providing new or used Boat Sales or Rental	X	SD <sup>2</sup>	X	CU <sup>[iii],5</sup>	SD <sup>[iv]</sup>	See adjacent upland environments
Retail establishment providing gas and oil sale for boats	X	X	X	CU <sup>3,5</sup>	CU <sup>[v]</sup>	See adjacent upland environments
Retail establishment providing boat and motor repair and service	X	X	X	CU <sup>3,5</sup>	CU <sup>5</sup>	X
Restaurant or Tavern <sup>[vi]</sup>	X	X	X	CU <sup>3</sup>	SD	X
Concession Stand	X	SD <sup>2</sup>	X	X	SD <sup>2</sup>	X
Entertainment or cultural facility	X	CU <sup>[vii]</sup>	X	X	SD	X
Hotel or Motel	X	X	X	CU <sup>[viii]</sup> /X	SD	X
<b>Nonwater-oriented, nonwater-dependent uses</b>						
Any Retail Establishment other than those specifically listed in this chart, selling goods, or providing services including banking and related services	X	X	X	X	SD <sup>[ix]</sup>	X
Office Uses	X	X	X	X	SD <sup>9</sup>	X
Neighborhood-oriented Retail Establishment	X	X	X	CU <sup>[x]</sup>	SD <sup>9</sup>	X
Private Lodge or Club	X	X	X	X	SD <sup>9</sup>	X
Vehicle Service Station	X	X	X	X	X	X
Automotive Service Center	X	X	X	X	X	X



# SHORELINE MASTER PROGRAM UPDATE



- Shoreline Uses
  - Recreational Uses
    - Guiding Principles:
      - Maximize public recreational opportunities
      - Limit in Natural Designation to protect natural resources
      - Commercial recreational facilities limited in Low Density Residential Designation
      - Non-water oriented recreational uses limited

<p>The chart is coded according to the following legend.</p> <p>SD = Substantial Development</p> <p>CU = Conditional Use</p> <p>X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit</p>	Natural	Urban Conservancy	Low-Density Residential	Urban Residential	Urban Mixed	Aquatic
<b>SHORELINE USE</b>						
<b>Recreational Uses</b>						
<b>Water-dependent uses</b>						
Marina <sup>iii</sup>	X	CU	X	SD	SD	See adjacent upland environments
Piers, docks, boat lifts and canopies serving Detached Dwelling Unit <sup>11</sup>	X	X	SD	SD	SD <sup>16</sup>	
Piers, docks, boat lifts and canopies serving Detached, Attached or Stacked Dwelling Units <sup>11</sup>	X	X	X	SD	SD	
Float	X	SD <sup>2</sup>	X	X	SD <sup>2</sup>	
Tour Boat Facility	X	X	X	X	SD <sup>iii</sup>	
Moorage buoy <sup>11</sup>	X	SD	SD	SD	SD	
Public Access Pier or Boardwalk	CU	SD	SD	SD	SD	
Boat launch (for motorized boats)	X	X	X	X	CU	
Boat launch (for non-motorized boats)	SD	SD	SD	SD	SD	
Boat houses or other covered moorage not specifically listed	X	X	X	X	X	
<b>Water-related, water-enjoyment uses</b>						
Any water-oriented recreational development other than those specifically listed in this chart	X	CU	CU	CU	SD	X
Public Park <sup>iiii</sup>	CU <sup>iv</sup>	SD	SD	SD	SD	X
Public Access Facility	SD <sup>v</sup>	SD	SD	SD	SD	See adjacent upland environments
<b>Nonwater-oriented uses</b>						
Nonwater-oriented recreational development.	X	X	X	X	SD <sup>9</sup>	X



# SHORELINE MASTER PROGRAM UPDATE



- Shoreline Uses

- Residential Uses

- Guiding Principles:

- Priority use, when developed appropriately

- Limit in Natural areas

- » Require Conditional Use for development of platted lots in Natural Designation

- » Limit subdivision of lands in Natural and Urban Conservancy Designations

- Higher intensity residential uses should be located in UR or UM areas

<p>The chart is coded according to the following legend.</p> <p>SD = Substantial Development</p> <p>CU = Conditional Use</p> <p>X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit</p>	Natural	Urban Conservancy	Low-Density Residential	Urban Residential	Urban Mixed	Aquatic
<b>SHORELINE USE</b>						
<b>Residential Uses</b>						
Detached dwelling unit	CU	X	SD	SD	SD <sup>[i]</sup>	X
Accessory dwelling unit <sup>[ii]</sup>	X	X	SD	SD	SD <sup>16</sup>	X
Detached, Attached or Stacked Dwelling Units	X	X	X	SD	SD	X
Houseboats	X	X	X	X	X	X
Assisted Living Facility <sup>[iii]</sup>	X	X	X	CU	SD	X
Convalescent Center or Nursing Home	X	X	X	CU <sup>[iv]</sup>	SD <sup>[v]</sup>	X
<b>Land division</b>	SD <sup>[vi]</sup>	SD <sup>21</sup>	SD	SD	SD	X



# SHORELINE MASTER PROGRAM UPDATE



- Shoreline Uses
  - Institutional and Religious Uses
    - Guiding Principles:
      - Predominately permitted UM designation or in UR if separated from shoreline

<p>The chart is coded according to the following legend.  SD = Substantial Development  CU = Conditional Use  X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit</p>	<b>Natural</b>	<b>Urban Conservancy</b>	<b>Low-Density Residential</b>	<b>Urban Residential</b>	<b>Urban Mixed</b>	<b>Aquatic</b>
<b>SHORELINE USE</b>						
<b>Institutional Uses</b>						
Government Facility	X	SD	SD	SD	SD	X
Community Facility	X	X	X	X	SD	X
Church	X	X	X	CU <sup>19</sup>	SD <sup>20</sup>	X
School or Day-Care Center	X	X	X	CU <sup>19</sup>	SD <sup>9</sup>	X
Mini-School or Mini-Day-Care Center	X	X	X	SD <sup>19</sup>	SD <sup>9</sup>	X



# SHORELINE MASTER PROGRAM UPDATE



- Shoreline Uses
  - Transportation and Utilities
    - Guiding Principles:
      - Limit in Natural Designation to protect natural resources
      - Limit utility production or transmission facilities in shoreline unless there is no other feasible route or location

<p>The chart is coded according to the following legend.</p> <p>SD = Substantial Development</p> <p>CU = Conditional Use</p> <p>X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit</p>	Natural	Urban Conservancy	Low-Density Residential	Urban Residential	Urban Mixed	Aquatic
<b>SHORELINE USE</b>						
<b>Transportation</b>						
<b>Water-dependent</b>						
Bridges	CU	CU	SD	SD	SD	See adjacent upland environments
Passenger-only Ferry terminal	X	X	X	X	CU	
Water Taxi	X	SD <sup>iii</sup>	SD <sup>22</sup>	SD <sup>22</sup>	SD <sup>22</sup>	
<b>Nonwater-oriented</b>						
Arterials, Collectors, and neighborhood access streets	CU	SD <sup>iii</sup> /CU	SD	SD	SD	X
Helipad	X	X	X	X	X	X
<b>Utilities</b>						
Utility production and processing facilities	X	CU <sup>iii</sup>	CU <sup>24</sup>	CU <sup>24</sup>	CU <sup>24</sup>	X
Utility transmission facilities	CU <sup>24</sup>	SD <sup>24</sup>	SD <sup>24</sup>	SD <sup>24</sup>	SD <sup>24</sup>	CU <sup>24</sup>
Personal Wireless Service Facilities <sup>iv</sup>	X	SD	SD	SD	SD	X
Radio Towers	X	X	X	X	X	X



# SHORELINE MASTER PROGRAM UPDATE



- Shoreline Modifications
  - Guiding Principles:
    - Limit structural shoreline modifications.
    - Allow shoreline modifications that are appropriate to the environmental conditions
    - Preference to shoreline modifications that have lesser impact.
    - Plan for enhancement/restoration.

<p>The chart is coded according to the following legend.</p> <p>SD = Substantial Development</p> <p>CU = Conditional Use</p> <p>X = Prohibited; the use is not eligible for a Variance or Conditional Use Permit</p>	Natural	Urban Conservancy	Low-Density Residential	Urban Residential	Urban Mixed	Aquatic
<b>SHORELINE MODIFICATIONS</b>						
Breakwaters/jetties/rock weirs/groins	X	X	X	SD <sup>26</sup> /CU	SD <sup>26</sup> /CU	See adjacent upland environments
Dredging and dredge materials disposal	SD <sup>26</sup> /CU	SD <sup>26</sup> /CU	SD <sup>26</sup> /CU	SD <sup>26</sup> /CU	SD <sup>26</sup> /CU	
Fill waterward of the ordinary high water mark	SD <sup>26</sup> /CU	SD <sup>26</sup> /CU	SD <sup>26</sup> /CU	SD <sup>26</sup> /CU	SD <sup>26</sup> /CU	
Land surface modification	SD <sup>26</sup> /CU	SD	SD	SD	SD	
Shoreline habitat and natural systems enhancement projects	SD	SD	SD	SD	SD	
Hard Structural Shoreline Stabilization	X	CU	CU	CU	CU	
Soft Shoreline Stabilization Measures	X	SD	SD	SD	SD	



# SHORELINE MASTER PROGRAM UPDATE



- Key Changes to Shoreline Uses and Modifications
  - Uses
    - Number of **new uses added** for consistency with zoning or anticipated future need
    - Allowed **commercial uses in Public Parks** to contribute to recreational use and support park operations
    - **Greater limits on some non-water oriented uses** (e.g. commercial and recreational uses)
    - Greater **limits on roadways in shoreline**
    - Greater **limits on utilities**, particularly utility production or processing
    - Greater **restriction on boat launches for motorized boats**
    - Allowance for **sale/leasing of moorage spaces** in UR
  - Permitting Process
    - Simpler review process for **accessory components to commercial Marinas**
    - CU process for **restaurants or taverns** in UR (now permitted in SMP)
    - Simpler review process for **Public Boardwalks**
    - Addressed **shoreline enhancement and restoration** and provided permitting preference for these activities
    - Limited **bulkheads and other hard structural shoreline modifications** to a CU process



# SHORELINE MASTER PROGRAM UPDATE



## Shoreline Uses and Modifications

Questions or comments on proposed chart?

Are the permitted uses, conditional uses, and prohibited uses appropriate for each shoreline environment designation?



# SHORELINE MASTER PROGRAM UPDATE



- Definitions
  - Many new or revised definitions contained in Attachment 12
  - Key new definitions:
    - Concession stand
    - Ferry terminal
    - Float plane landing and moorage facility
    - Hard structural shoreline stabilization
    - Marina
    - Neighborhood-oriented retail establishment
    - Soft shoreline stabilization measures
    - Tour boat facility
    - Water taxi
  - Any concerns or comments on definitions?



# SHORELINE MASTER PROGRAM UPDATE



## Three types of regulations:

### 1. Regulations for each use, based upon shoreline environment

- Single family, multifamily, commercial, etc.

### 2. Regulations for shoreline modifications

- Breakwaters, dredging, land surface modification, bulkheads, etc.

### 3. General regulations

- Apply throughout shoreline
- Shoreline vegetation, tree management, signs, public access, wetlands and streams, etc.
- Reflected in sections following the use and modification regulations
- Focus of tonight's meeting



# SHORELINE MASTER PROGRAM UPDATE



## **Critical Areas – General Standards (see Attachment 14)**

- Key Issue: Including a new section that addresses the sequence in which mitigation shall be followed, as required under the provisions of WAC 173-26-201(2)(e).
- Background: These new standards are proposed by staff to address many of the best management practices that should be used for wetlands, streams, and geologically hazardous areas.

**Staff recommendation: Proposed regulations in Attachment 14**



# SHORELINE MASTER PROGRAM UPDATE



## **Wetlands (see Attachment 15)**

- Key Issues:
  - Wetland rating system
  - Buffer widths
  - Compensatory mitigation
  - Permitting.



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- Existing wetland rating system is not consistent with current Ecology guidance.
- Advised by Ecology to adopt their wetland rating system or devise our own which is consistent with Ecology's and meets guidelines.



# SHORELINE MASTER PROGRAM UPDATE



## Wetland Buffers

- Existing Buffers

Wetland Type	Primary Basin	Secondary Basin
1	100 feet	75 feet
2	75 feet	50 feet
3	50 feet	25 feet

- Proposed Buffers

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
<b>Category I</b>	
Natural Heritage Wetlands	215 feet
Bog	215 feet
Habitat score <sup>1</sup> from 29 to 36 points	225 feet
Habitat score from 20 to 28 points	150 feet
Other Category I wetlands	125 feet
<b>Category II</b>	
Habitat score from 29 to 36 points	200 feet
Habitat score from 20 to 28 points	125 feet
Other Category II wetlands	100 feet
<b>Category III</b>	
Habitat score from 20 to 28 points	125 feet
Other Category III wetlands	75 feet
<b>Category IV</b>	
	50 feet

<sup>1</sup> Habitat score is one of three elements of the rating form.



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## Compensatory Mitigation

- Existing Ratios

Wetland Type	Primary Basin	Secondary Basin
1	3:1	3:1
2	2:1	1.5:1
3	1.5:1	1:1

- Proposed Ratios

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only <sup>[1]</sup>	Re-establishment or Creation (R/C) and Rehabilitation (RH) <sup>1</sup>	Re-establishment or Creation (R/C) and Enhancement (E) <sup>1</sup>	Enhancement Only <sup>1</sup>
All Category IV	1.5:1	3:1	1:1 R/C and 1:1RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I - based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage site	Not allowed	6:1 Rehabilitation of a Natural Heritage site	Not allowed	Not allowed	Case-by-case
Category I Bog	Not allowed	6:1 Rehabilitation of a bog	Not allowed	Not allowed	Case-by-case



# SHORELINE MASTER PROGRAM UPDATE



- Issues to consider:
  - City's critical areas ordinance (CAO) which includes wetland and stream regulations, will need to be updated by 2011, at which point implementation of these standards can be evaluated and changes made.
  - Significant re-drafting of wetlands regulations at this point would delay completion of SMP, which needs to be done by 2009.
  - New regulations in SMP would affect very few privately held properties.



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- Staff recommendation:

- Adopt the Department of Ecology’s wetland rating system,
- Adopt the buffer widths used for the King County UGA area.
- Adopt new Compensatory Mitigation Ratios consistent with Ecology guidance.
- Require Shoreline Variance for any modification to wetland or modification to wetland buffer greater than 1/3 standard buffer width
- All other proposals should be reviewed under process used to consider proposed development (e.g. shoreline exemption, SDP, CU, etc.).
- Adopt other changes to existing regulations highlighted in Attachment 15
  - Note: staff may bring back revisions to wetland modifications section and may add a section to specifically address reasonable use applications.
  - Definitions were inadvertently left out of packet materials and are included tonight for your review.



# SHORELINE MASTER PROGRAM UPDATE



## **Streams (see Attachment 15)**

- Note: No major changes to existing stream buffers or modification provisions proposed at this time.
- Key Issues:
  - Permitting, and
  - Minor changes to existing regulations.
- Staff Recommendation:
  - Require Shoreline Variance for Stream Relocation or Modification or Stream Buffer Modification affecting > one-third (1/3) of the standard buffer, except for development activity or land surface modification approved under subsection 4 above (Stream Buffer and Setback) or subsection 10 (Stream Crossings) and 11 (Stream Rehabilitation)
  - All other proposals should be reviewed under process used to consider proposed development (e.g. shoreline exemption, SDP, CU, etc.).
  - Adopt other changes to existing regulations highlighted in Attachment 15



# SHORELINE MASTER PROGRAM UPDATE



## Public Access (see Attachment 21)

- Key Issues: New location standards proposed for walkways and hours of operation.
- Proposed Regulations: The City's existing requirements would be used for the shoreline regulations with the following minor changes:
  - New standards for location of walkway (**Note: Key issue here is that walkway would be separated from shoreline edge by average of 10' to provide area for appropriate shoreline vegetation to be established**).
  - Elimination of requirement for ADUs.
  - Elimination of ability to defer installation of walkway.
  - Establishment of specific hours for trail to be open.

**Staff recommendation: Proposed regulations in Attachment 21**



# SHORELINE MASTER PROGRAM UPDATE

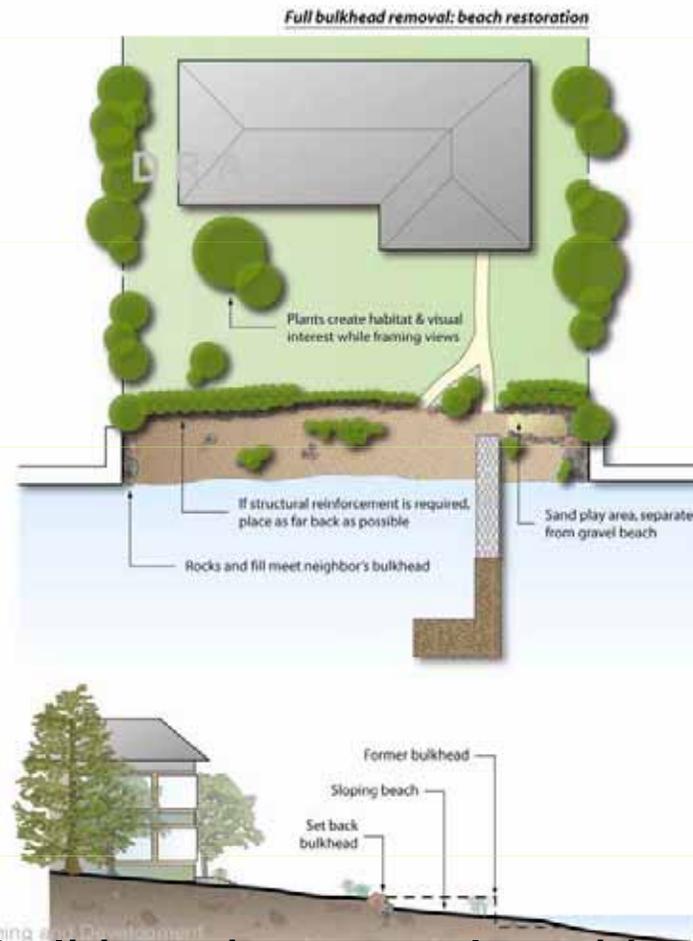


- Shoreline Vegetation
  - Gap in existing SMP regulations that needs to be addressed
  - Direction is needed on the approaches to take for proposed regulations.
  - A variety of measures can be used to achieve objectives, including clearing and grading regulations, setback or buffer standards, critical area regulations, requirements for specific uses, mitigation requirements, incentives and non-regulatory programs.

Approach	Recommendation
1) Bulkhead softening or removal and re-vegetation	<u>Staff Recommendation:</u> Include this approach and establish a threshold of 50 percent of the replacement cost of the original upland development. As part of the revegetation component, require that a minimum of 25-30% of the shoreline setback be planted with natives, to be located at the shoreline edge. Allow access through the planted area to the shoreline area and for piers and docks.
2) Native plant requirement	<u>Staff Recommendation:</u> Include this approach, with standards established requiring 50% of the area within the shoreline setback to be planted with native species. These standards should be applied when the cost of new development would be equal to or greater than 50 percent of the replacement cost of the original upland development and to any proposed landscaping modifications within the shoreline setback.
3) Limitation on lawn areas	<u>Staff Recommendation:</u> Staff recommends that the use of approach 2 above. If approach 2 is not used, then staff recommends that this approach be considered.
4) Land Surface Modification Standards	<u>Staff Recommendation:</u> Require protection of native vegetation. (Note: This will primarily be implemented through critical area regulations, as this is where much of the existing native vegetation is contained in the shoreline area).
5) Tree Removal Standards	<u>Staff Recommendation:</u> Limit removal of existing trees in shoreline setback, except in those circumstances where the trees are posing a nuisance or hazardous situation. Include standards for replacement trees. Provide standards addressing tree pruning.
6) Restoration of disturbed areas	<u>Staff Recommendation:</u> This approach should apply within critical areas such as streams, wetlands, or their associated buffers. However, staff believes that the approach outlined in 2 above is a more comprehensive approach. If approach 2 is not used, then staff recommends that this approach be considered.
7) Performance-based standard	<u>Staff Recommendation:</u> Staff would not recommend implementation of this approach on its own. This approach could be used as a modification provision to the approaches outlined in 1 and 2 above, allowing the applicant flexibility to pursue other alternatives in lieu of these provisions.
8) Incentive for reduced shoreline setbacks	<u>Staff Recommendation:</u> Staff believes that approaches 1 and 2, used in combination, will provide the best opportunity to improve shoreline conditions. If more flexibility is desired than these regulatory approaches, then staff would recommend that this type of incentive based approach be used in combination with minimum standards for land surface modification and tree removal.
9) Incentive for expedited review	<u>Staff Recommendation:</u> Staff believes that approaches 1 and 2, used in combination, will provide the best opportunity to improve shoreline conditions. If more flexibility is desired than these regulatory approaches, then staff would recommend that this type of incentive be used to facilitate restoration of shoreline vegetation for those applicants not pursuing a reduced shoreline setback under the provisions of approach 8 above.
10) Education and technical assistance	<u>Staff Recommendation:</u> Staff believes that this approach has merit and would recommend considering this approach as part of activities in the Restoration Plan.
11) Reduction of land assessments	<u>Staff Recommendation:</u> Staff believes that this approach has merit and would recommend considering this approach as part of activities in the Restoration Plan.



# SHORELINE MASTER PROGRAM UPDATE



Seattle Department of Planning and Development  
Example of Bulkhead removal and beach restoration



# SHORELINE MASTER PROGRAM UPDATE



## Staff recommendation:

- Combination of strategies:
  - Bulkhead removal and re-vegetation, or in lieu of this, shoreline ecological restoration best suited for property, given existing site conditions and features.
  - Use of native plants.
  - Land surface modification and tree removal standards.
- When should bulkhead removal be investigated?
  - new development, redevelopment of 50% or more of the existing site improvements or for minor additions?



# SHORELINE MASTER PROGRAM UPDATE



## Removal of Aquatic Vegetation:

- Approach 1:
  - **Prohibit all removal of aquatic vegetation**, except in cases where it threatens an existing water-dependent use (swimming, boating) or fish and wildlife habitat.
  - **Require an aquatic weed management program** that complies with all applicable requirements of the responsible agencies (i.e. Washington State Departments of Agriculture, Fish and Wildlife, Ecology, and the Federal Environmental Protection Agency) when removal is requested.
- Approach 2: **Allow all proposed removal of invasive aquatic vegetation**. Such removal would be considered normal maintenance.

Staff Recommendation: Approach 1.



# SHORELINE MASTER PROGRAM UPDATE



## Water Quality, Stormwater and Nonpoint Pollution (see Attachment 23)

- Key Issues: Standards addressing application of pesticides, herbicides, and fertilizers within the shoreline area.
- Proposed Requirements:
  - **References to requirements in City's adopted surface water design manual.**
  - Requirements for the use of **Best Management Practices (BMPs)**.
  - Emphasis on use of **low-impact development techniques**.
  - **Limitations on new outfalls** to Lake Washington.
  - Restrictions or limitations on the use of **pesticides, herbicides, and fertilizers** within the shoreline



# SHORELINE MASTER PROGRAM UPDATE



## Upland application of fertilizers, pesticides, and herbicides

- Approach 1: **Restrict use of pesticides, herbicides, or certain fertilizers** within the shoreline setback.
- Approach 2: **Provide standards for application**, in order to ensure that the pesticides, herbicides, and fertilizers are applied in a manner that minimizes their transmittal to adjacent water bodies. This could include limitations on aerial spraying, requirements for spot application or wicking, use of time-release fertilizers and herbicides, and compliance with federal and state standards.
- Approach 3: Require compliance with state and federal laws and focus on **education and technical assistance** to encourage the voluntary use of natural yard care practices.
- Staff recommendation (preliminary): Approach 1



# SHORELINE MASTER PROGRAM UPDATE



## Aquatic application of herbicides

- Approach 1: **Defer to the existing State regulations** addressing this issue. The Department of Ecology has issued an Aquatic Plant and Algae Management General Permit covering aquatic plant and algae management activities that discharge chemicals and other aquatic plant and algae control products into surface waters of the state of Washington.
  - Approach 2: **Prohibit the use of herbicides to control aquatic vegetation except where no reasonable alternative exists**, the use of herbicides has been approved through a comprehensive vegetation management and monitoring plan, and if appropriate approval is granted under the Aquatic Plant and Algae Management General Permit.
  - Approach 3: **Require submittal of a plan for City review and approval** that documents the different methods evaluated and the reasons that the preferred method was chosen, based on consideration of the species, the density, the ecology of the area, as well as physical access to the area.
- Staff recommendation (preliminary): Approach 2



# SHORELINE MASTER PROGRAM UPDATE



## View Corridors

- Key Issues: Defining **what public view** these regulations should be trying to protect:
  - The view to the ordinary high water mark/shoreline edge and Lake Washington, or
  - The view to a portion of Lake Washington, but not necessarily to the shoreline edge.
- Proposed Regulations: Existing provisions continue, with the following minor changes:
  - View corridor requirements **do not apply within JBD and CBD**
  - Clarifications on permitted **encroachments** within the view corridor
  - Appropriate **placement** for the view corridor
  - **Dedication** for the view corridor



# SHORELINE MASTER PROGRAM UPDATE



## Observations of existing view corridors:

- Grade, parcel depth and existing vegetation and improvements are all factors in determining how much of the Lake and shoreline can be seen
- Vegetation, fencing (even open wire), view platforms, structured parking, retaining walls, trellis/arbors, and other garden features minimize area that is visible
- Potential conflict between trying to preserve/establish shoreline vegetation and protecting view corridors



# SHORELINE MASTER PROGRAM UPDATE



Approximately upper 1/3 Lake visible as well as opposite shoreline



Approximately upper 2/3 Lake visible as well as opposite shoreline





# SHORELINE MASTER PROGRAM UPDATE



Most of Lake could be visible, if not blocked by vegetation



Most of Lake and shoreline water-dependent uses are visible





# SHORELINE MASTER PROGRAM UPDATE



Examples of shoreline restoration projects where view preservation was incorporated into design.



# SHORELINE MASTER PROGRAM UPDATE



- Existing provisions:
  - Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from these rights-of-way to and beyond Lake Washington.
- Staff recommendation:
  - Preserve views of the lake and the opposite shoreline. Preserve views of the shoreline edge, if feasible, given the existing conditions and improvements.
  - Allow retention of existing specimen trees and native vegetation.
  - Design restoration planting so that it does not block views.



# SHORELINE MASTER PROGRAM UPDATE



## Lighting

- Key Issues: New lighting standards applying to the shoreline jurisdiction.
- Proposed Regulations:
  - Light level standards for protection of Lake Washington and areas in the Natural shoreline environment.
  - Light level standards for protection of residential properties from adjoining commercial development.
  - Standards addressing light pollution along the shoreline, including direction and shielding requirements.
  - Submittal requirements, including lighting studies.
  - Nonconformances – when should compliance be required?
    - Proposed: Increase in GFA of 50%
    - What about major remodels? Should those be addressed?

**Staff recommendation: Proposed regulations in Attachment 28**



# SHORELINE MASTER PROGRAM UPDATE



## Miscellaneous Standards

- Key Issues: New standards addressing the design of water-oriented uses.
- Proposed Regulations:
  - Screening of outdoor storage areas, rooftop appurtenances and garbage receptacles.
  - Glare.
  - Special standards for water-enjoyment uses to ensure that these uses are designed to facilitate enjoyment of the shoreline.

**Staff recommendation: Proposed regulations in Attachment 27**



# SHORELINE MASTER PROGRAM UPDATE



- Other comments/revisions needed on General Regulations?
  - Geologically Hazardous Areas
  - Archaeological and Historic Resources
  - Flood Hazard Reduction
  - Parking
  - Signage
  - In-Water Work (note: staff has identified a couple of additional BMPs that should be added to this section (barge operations, site access, and construction related noise))



# SHORELINE MASTER PROGRAM UPDATE



## Work Program (Tentative)

- September 11, 2008
  - Revisions to **Shoreline Environment Designations**
  - **Shoreline Use Table**
  - **General Regulations** (public access, parking, storm water, critical areas, miscellaneous standards)
  - Scope out options for other general regulations (e.g. shoreline vegetation)
- October 9, 2008
  - **General Regulations** (continued)
  - Regulations for **shoreline uses**
  - Scope out standards for **shoreline modifications**
- December
  - Standards for **shoreline modifications** (continued)
- February, 2009
  - **Shoreline Administration and Procedures**
  - **Restoration Plan and Implementation Strategy**
  - **Cumulative Impact Analysis**
  - Revisit environment designations, policies and regulations if necessary
- April, 2009
  - Planning Commission **Hearing**