

**Town of Hunts Point  
Shoreline Master Program**

**Working Draft – September 23, 2011**

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## 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”) 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 an **inventory** of 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.
- Development of a **permit system** to further the goals and policies of both the act and the local Master Plan.
- Development of a **Restoration Plan** that includes goals, policies and actions for restoration of impaired shoreline ecological functions.

## **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. Some developments may be exempt from regulation, while others may need to stay within established guidelines, or may require a conditional use permit or variance; however, all proposals must comply with the policies and regulations established by the SMA as expressed through Hunts Point's 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*.

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 exempt from the permit process (Shoreline Exemption Permit) or whether the permit application process is applicable (Shoreline Substantial Development Permit). Requests for Shoreline Substantial Development Permits, Shoreline Variances, and Shoreline Conditional Uses are decided by the Town's Hearing Examiner. All decisions are made through an open record Public Hearing. Requests for conditional uses and variances require final approval by Ecology. Permit criteria and administrative standards are discussed in *Appendix B: Administration*.

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

#### **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**

Goal: 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**

Goal: Increase and enhance public access to shoreline areas 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**

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

## **2.4 Circulation Element**

Goals: 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 shoreline area in a manner consistent with protection of the existing ecological functions.

## **2.5 Conservation Element**

Goal: 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**

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

## **2.7 Restoration Element**

Goal: 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). 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. 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 man-made features as well as scenic vistas from public property 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. Preservation and enhancement of the public's visual access to Lake Washington should be encouraged. Enhancement of views should not be construed to mean excess removal of vegetation that partially impairs views.
3. 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.
4. 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.
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 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 or modification of aquatic vegetation 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. 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.
2. The Town should require reasonable 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.
3. All measures for the treatment of runoff to maintain and/or enhance water quality should be conducted on-site at the source of contamination.
4. 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.
5. The Town should provide general information to the public about the use of land and human activities which impact water quality.
6. 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. 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 with native vegetation or with other species as approved by the Town.

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. Dredging in Lake Washington should be restricted to the minimum necessary to support existing water-dependent, water-oriented or water-related use and only when other solutions would result in greater environmental impacts. New development should not be proposed in areas which would require maintenance dredging.
2. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill or construction material is prohibited.
3. 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.
4. Dredge material disposal in waterbodies should be prohibited, except for habitat improvement projects.

C. Fill

1. Fills waterward of the OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses or ecological restoration which are consistent with this Master Program.
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 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 elevated and grated decking to minimize shading.
2. Overwater structures, including piers, boatlifts, and moorage covers, should only be authorized after consideration of the effect such structures have on wildlife and aquatic life, water quality, scenic and aesthetic values, environmental sensitive

resources, submerged lands, and submerged vegetation; and the effect such structures have on navigation, water circulation, recreational and commercial boating, sediment movement and littoral drift and shoreline access.

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

1. 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).
2. Proposals for shoreline stabilization activities should address the impact of these activities on Lake Washington and the larger aquatic environment. This planning should consider off-site erosion, accretion, or flood damage that might occur as a result of shoreline stabilization structures or activities.
3. Shoreline stabilization on the Lake Washington shoreline should not be used to create new or newly usable land.
5. The burden of proof for the need for shoreline stabilization to protect existing developments rests on the applicant(s).
6. Areas of significance in the spawning, nesting, rearing, or residency of aquatic and terrestrial biota should be given special consideration in the review of shoreline stabilization actions.

### 3.3 Shoreline Use Policies

A. Recreational Development

1. Give priority to shoreline recreational development in order to provide access, use, and enjoyment of the Town's shoreline.
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 facilities in shoreline jurisdiction are not a preferred use and should be allowed only as necessary to support an authorized use. Parking facilities should be located as far inland as possible from the OHWM, and designed to ensure no net loss of ecological functions.

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 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, uplands 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. 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 the Shoreline Management Act. 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.

### **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, parking areas.

- C. Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact on the
- D. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions is not allowed. Any new parcel must be able to support its intended development without significant ecological impacts to the shoreline ecological functions.

### **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 density or 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 blend in with the surrounding residential area.
- B. Best Management Practices for water quality protection shall be employed at all times.

## **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. Existing piers, moorage structures, and bulkheads shall be allowed to be maintained.
- B. New overwater structures shall be allowed for recreational uses associated with single-family development.
- C. Shared use of overwater structures shall be encouraged.
- D. Dredging of manmade channels (Haug Channel, Fairweather Basin, and Cozy Cove Inlet) shall be permitted to maintain water flow, navigability, and water depth. Dredging activity shall be the minimum amount required.
- E. Fill shall not be placed into Lake Washington, with the exception of material 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 all applicable federal, state and local management codes and regulations, including those administered or required by the Army Corps of Engineers, the Federal Emergency Management Agency, 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 C), the Town's zoning regulations, and other applicable local land use codes and regulations. Where there are conflicts between regulations, 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 Master Program. Except as otherwise noted, all shoreline modification activities not associated with a legally existing or an approved shoreline use are prohibited.
- E. Where provisions of this Master Program conflict, the more restrictive provisions shall apply unless specifically stated otherwise.

## **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 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:
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, such as project redesign, relocation, or timing, to avoid or reduce impacts;
  3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
  4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
  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. Solid waste, liquid waste, and untreated effluent shall not be allowed to enter any bodies of water or to be discharged onto the land.
- C. 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.
- D. 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.

- E. All shoreline developments and uses shall utilize effective erosion control methods during both construction and operation.
- F. All shoreline uses and activities shall be located, designed, constructed and managed to avoid, if feasible, and then minimize 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 adverse impacts to surrounding land and water uses and that is aesthetically compatible with the affected area.
- 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. Navigation channels 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; 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. If there are conflicts between the regulations contained in the body of the SMP and the Critical Areas Regulations in Appendix D of this SMP, those that are the most protective of shoreline ecological functions shall apply.

## 5.5 Public Access

Shoreline public access is the ability of the general public to enjoy the water's edge; to travel on the waters of the state; and to view the water and the shoreline from adjacent locations.

- A. Public access shall be required for any development of more than four parcels per WAC 173-26-221(4)(d)(iii). Such sites shall be fully developed and available for public use at the time of occupancy.
- B. The following standards shall apply to all public access:
  - 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.

## 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 the tree is dead;
    - b. When the tree is hazardous;
    - c. To accommodate the building of new construction or additions to existing structures 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 report shall be paid for by the applicant.
  7. At its sole discretion after request by a tree removal permit applicant, the Town may agree to replant new trees required as mitigation under subsection 4 of this section within the right-of-way or on other public property within shoreline jurisdiction. 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.
- B. All unique and fragile 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.
- 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 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 native trees, shrubs and groundcovers. Mitigation plans shall be prepared by a qualified professional.
- F. Restoration of any shoreline or streambank that has been disturbed or degraded shall use native plant materials, unless such restoration occurs 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 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. Any use, development or modification not classified in this Shoreline Master Program or listed below shall require a Shoreline Conditional Use 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). Exempted uses and modifications, however, 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 exemption, then a Shoreline Permit is required for the entire proposed development project.
- F. 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 Substantial Development Permit.
- G. The permit processes indicated below for each use or modification apply to new, expanded, modified or replacement uses and modifications. For those uses and modifications that meet one of the exemptions outlined in WAC 173-27-040(2), a Shoreline Permit is not required if Table 6.1 indicates “Permitted.” 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 an exemption.

**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	Conditional Use	Prohibited
Commercial Development	Prohibited	Prohibited	Prohibited	Prohibited
Dredging & Dredge Material Disposal	Conditional Use	Conditional Use	Conditional Use	Conditional Use
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

SHORELINE USE AND MODIFICATION	ENVIRONMENT DESIGNATION			
	Stormwater Utility	Shoreline Residential	Natural	Aquatic
Parking as a Primary Use as an Accessory Use	Prohibited Prohibited	Prohibited Permitted	Prohibited Conditional Use	Prohibited Prohibited
Private Moorage – Boats/Floatplanes Recreational Float Moorage Cover Boathouse Pier, Float, Joint Use Structure, Buoy, Moorage Pile Lift, Lift Canopy Launching Ramp Launching Rails	Prohibited Prohibited Prohibited Prohibited  Prohibited Prohibited Prohibited	Permitted Permitted Prohibited Permitted  Permitted Prohibited Prohibited	Prohibited Prohibited Prohibited Prohibited  Prohibited Prohibited Prohibited	Permitted Permitted Prohibited Permitted  Permitted Prohibited Prohibited
Recreational Facilities (non-residential) Water-dependent Water-related Water-enjoyment (trail) Non-water-oriented Primary Accessory	Prohibited Prohibited Permitted  Prohibited Prohibited	Permitted Permitted Permitted  Prohibited Permitted	Conditional Use Prohibited Permitted  Prohibited Prohibited	Permitted Permitted Prohibited  Prohibited Prohibited
Residential Single-Family Multi-Family	Prohibited Prohibited	Permitted Prohibited	Prohibited Prohibited	Prohibited Prohibited
Shoreline Habitat and Natural Systems Enhancement	Permitted	Permitted	Permitted	Permitted
Shoreline Stabilization Beach Restoration & Enhancement Soil Bioengineering Bulkheads Breakwaters Groins Jetties	Permitted Permitted Permitted Prohibited Prohibited Prohibited	Permitted Permitted Permitted Prohibited Prohibited Prohibited	Permitted Permitted Prohibited Prohibited Prohibited Prohibited	Permitted Permitted Prohibited Prohibited Prohibited Prohibited
Signs	Permitted	Permitted	Permitted	Permitted
Transportation	Conditional Use	Conditional Use	Conditional Use	NA
Utilities, Primary Solid Waste Disposal or Transfer Sites Stormwater Collection & Dispersion Utilities, Accessory	Prohibited  Conditional Use Permitted	Prohibited  Prohibited Permitted	Prohibited  Prohibited Permitted	Prohibited  Prohibited 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 buffers 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 shoreline setback standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance. Departures from the maximum height limit shall be subject to approval of a Shoreline Conditional Use Permit.

**Table 6.2 Development Standards**

REGULATION	Stormwater Utility	Shoreline Residential	Natural	Aquatic
Height Limit	NA	Not to exceed 30’ above original grade, 36’ above finish grade	NA	NA
Shoreline Setback	NA	Stringline or Set by Plat	NA	NA

## 6.3 Clearing and Grading

Clearing and grading is the activity associated with developing property for a particular use including commercial, industrial, recreational, and residential. Specifically, "clearing" means the destruction or removal of vegetative ground cover and/or trees including, but not limited to, root material removal and/or topsoil removal. "Grading" means the physical manipulation of the earth's surface and/or surface drainage pattern without significantly adding or removing on-site materials. However, grading can also involve both the export of materials off-site or the import of materials from an off-site source and may be considered “fill” as regulated by the Shoreline Management Act if the action raises the elevation or creates dry land.

Clearing as an activity will be regulated in this section and in Section 5.6, Vegetation Management, in order to achieve the design goals and objectives of the Shoreline Management Act, particularly along Lake Washington, a shoreline of statewide significance where preservation of natural shoreline characteristics is a high priority.

- A. For proposed land clearing, landfill, 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.

- B. Clearing and grading activities may only be allowed when associated with a permitted shoreline development.
- C. 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 replanted with native species or other species as approved by the Town 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.
- D. Normal nondestructive 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.
- E. Any significant placement of materials from off-site (other than surcharge or preload), or the substantial creation or raising of dry upland shall be considered fill and shall also comply with the fill provisions in Section 6.5.
- F. Alteration of the natural landscape shall only be allowed in association with a permitted shoreline use or development with limited exceptions as set forth below:
  - 1. Removal of noxious weeds as listed by the state in Chapter 16-750 WAC, provided such activity shall be conducted in a manner consistent with best management practices and the Town's engineering design standards and native vegetation is promptly reestablished in the disturbed area.
  - 2. Maintenance or restoration of view sheds situated on public lands provided that said activity is conducted in a manner consistent with this Master Program and results in no net loss to ecological functions or critical fish and wildlife habitat areas.
- G. In all cases where clearing is followed by revegetation, native plants shall be preferred. Extensive lawns are discouraged due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications.

#### **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.
- 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. Dredging is only permitted as a conditional use activity in where the applicant can demonstrate that the proposal, including any necessary mitigation, will result in no net loss of shoreline ecological functions. New development shall not be sited in areas which may require future maintenance dredging.
- D. Excavated moorage slips for all residential uses are prohibited.
- E. Maintenance dredging of existing excavated moorage slips for noncommercial shoreline recreational uses may be permitted as a conditional use activity. However, deepening of existing moorage areas beyond maintenance dredging levels is prohibited.
- F. Dredging waterward of the ordinary high water mark may be permitted only for navigation or navigational access; in conjunction with a water-dependent use of water bodies or adjacent shorelands; as part of an approved habitat improvement project; if it improves water quality; and when applicable permits of other local, state and federal agencies have been obtained.
- G. When dredging is permitted, the extent of dredging shall be the minimum necessary to accommodate the proposed use.
- H. Proposals for dredging and dredge disposal shall include details on all feasible mitigation measures to protect aquatic habitats. Dredging and dredge disposal shall not create a net loss of shoreline ecological functions.
- I. Dredging material which will not subsequently cause violation of State Water Quality Standards may be used in permitted landfill projects.
- J. Excavations on beaches shall include precautions to prevent the migration of fine grain sediments, disturbed by the excavation, onto adjacent beach areas. Excavations on beaches shall be backfilled promptly using material of similar composition and similar or coarser grain size.
- K. Dredging shall be timed so that it does not interfere with aquatic life.
- L. Individual disposal operations shall comply with Department of Natural Resources leasing practices, the Department of Ecology Water Quality Certification process, and the permit requirements of the State Department of Fish and Wildlife and the U.S. Army Corps of Engineers.
- M. Depositing dredge materials in water areas may be allowed only by conditional use permit for one or more of the following reasons: for wildlife habitat improvement; to correct problems of material distribution adversely affecting fish; for permitted beach enhancement; when the alternative of depositing material on land is demonstrated to be more detrimental to shoreline resources than depositing it in water areas; or in approved open-water disposal sites as identified by appropriate agencies.

- N. Disposal of dredge material shall be done only in approved sites.
- O. Dredging and dredge material disposal is prohibited in wetlands, except for the purposes of enhancing valuable wetland functions. A design prepared by a qualified wetland scientist is required prior to allowing dredging and/or disposal of dredge spoils into a wetland.
- P. Dredging shall utilize techniques (such as hydraulic dredging instead of agitation dredging) that cause minimal dispersal and broadcast of bottom material.

## **6.5 Fill**

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 shall be permitted as a conditional use only in conjunction with a water-dependent or public use permitted by this Master Program; fisheries or wildlife enhancement projects; or as part of an approved beach restoration project.
- B. Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area.
- C. All perimeters of fills shall be designed to remain stable over the long term.
- D. Fill proposals must demonstrate, at a minimum, that they will result in no net loss of shoreline ecological functions.
- E. Fill shall be permitted only where it is demonstrated that the proposed action will not: result in significant damage to water quality, fish, aquatic habitat, and/or wildlife habitat; or adversely alter natural drainage and circulation patterns, currents, or stream flows, or significantly reduce flood water holding capabilities.
- F. No refuse disposal sites, solid waste disposal sites, or sanitary fills shall be permitted along the Lake Washington shoreline in Hunts Point.

## **6.6 Private Moorage**

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

- A. General Regulations
  - 1. All new, reconstructed, repaired, or modified overwater structures shall comply with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.

2. Proposed overwater structures that do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a variance.
3. All pier and dock dimensions shall be minimized to the maximum extent feasible. The proposed length must be the minimum necessary to support the intended use.
4. No skirting is permitted on any structure.
5. All over-water structures and other water-use developments shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or repaired promptly by the owner.
6. 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.
7. Piles, floats and other water-use structures that are in direct contact with water or over water shall not be treated or coated with herbicides, fungicides, paint, or pentachlorophenol. Use of wood members treated with arsenate compounds, creosote or comparably toxic compounds is prohibited.
8. Piers and docks shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finish shall be generally non-reflective.
9. Only one pier per property shall be permitted. Joint use piers shall be encouraged. In cases of joint use piers, the joint use pier shall take the place of individual property piers.
10. In the following circumstances and as required by WAC 173-26-231(3)(b), a joint-use pier shall be required:
  - a. On lots subdivided to create one or more additional lots with waterfront access rights.
  - b. New residential development of two or more dwelling units with waterfront access rights.
11. Piers, docks, boatlifts and moorage piles shall be designed and located to meet the no net loss standard and mitigation sequencing.
12. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area can be returned to its original (pre-construction) condition.

B. Replacement of Existing Private Pier or Dock:

1. A pier modification project is considered to be a replacement when the entire existing structure is removed or when more than 50 percent of the pier-support piles are replaced. Pile replacement does not include piles that are repaired through sleeving or splicing.
2. A replacement of an existing pier or dock shall meet the following dimensional requirements:

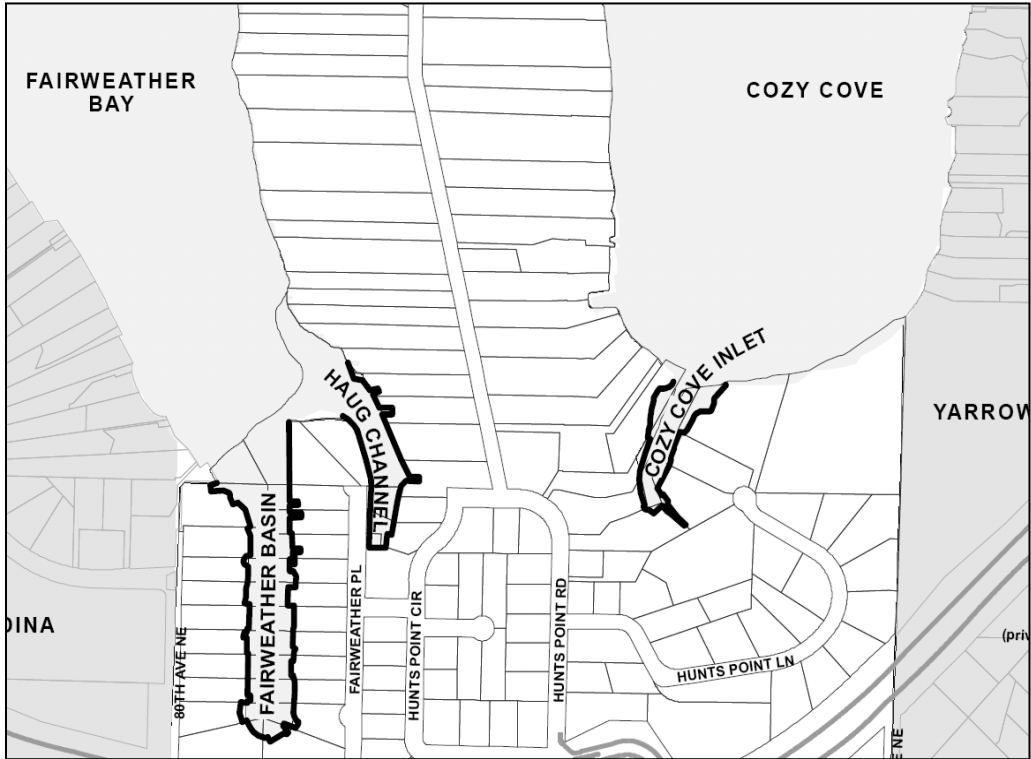
Replacement Pier or Dock	Dimensional and Design Standards
Maximum Area: surface coverage, including all attached float decking, ramps, ells and fingers	<ul style="list-style-type: none"> <li>• No larger than existing pier or standard for new piers (Section 6.6.E.1), whichever is greater</li> <li>• Area limitations shall include platform lifts</li> </ul>
Maximum Length for piers, docks, ells, fingers and attached floats (For Fairweather Basin, Haug Channel, and Cozy Cove Inlet, see 8.6.2.B.3)	<ul style="list-style-type: none"> <li>• Minimum necessary for intended use, not to exceed 100 ft</li> <li>• 26 ft. for ells</li> <li>• 20 ft. for fingers and float decking attached to a pier</li> </ul>
Maximum Width	<ul style="list-style-type: none"> <li>• 4 ft. for the nearshore 30 feet of pier or dock walkway, 6 ft. for remaining walkway. If applicant submits documentation of need for a wider walkway based on a disability, the nearshore walkway may be 6 ft. wide. Documentation may include a disabled parking placard or other materials at the Shoreline Administrator’s discretion.</li> <li>• 4 ft. for ramp connecting pier to float</li> <li>• 6 ft. for ells</li> <li>• 2 ft. for fingers</li> </ul>
Height of piers	<ul style="list-style-type: none"> <li>• Minimum of 1.5 ft. above OHWM to bottom of pier stringers, except the floating section of a dock and float decking attached to a pier</li> <li>• Maximum of 4 ft. above OHWM for any piers or docks</li> </ul>
Spacing	<ul style="list-style-type: none"> <li>• The greater of 10% of the lot width or 10 feet from the side yard, except for joint-use structures</li> </ul>
Decking for piers, docks walkways, platform lifts, ells and fingers	<ul style="list-style-type: none"> <li>• Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of 40% light transmittance through the material</li> <li>• For docks and floats with float tubs, grated decking shall be used in all areas that are not directly above the float tubs.</li> </ul>

<b>Replacement Pier or Dock</b>	<b>Dimensional and Design Standards</b>
Location of ells, fingers and deck platforms (For Fairweather Basin, Haug Channel, and Cozy Cove Inlet, see 8.6.2.B.3)	<ul style="list-style-type: none"> <li>• No closer than 30 ft. waterward of the OHWM, measured perpendicular to the OHWM</li> <li>• Within 30 ft. of the OHWM, only the pier walkway or ramp is allowed</li> </ul>
Pilings	<ul style="list-style-type: none"> <li>• First set of pilings for a pier or dock shall be located no closer than 18 ft from OHWM, unless dictated by site-specific engineering or design considerations.</li> <li>• The diameter of pilings shall be minimized to the maximum extent allowed by site-specific engineering or design considerations.</li> <li>• The spacing between pilings shall be maximized to the extent allowed by site-specific engineering or design considerations.</li> </ul>
Mitigation	<ul style="list-style-type: none"> <li>• Existing skirting shall be removed and may not be replaced</li> <li>• Existing in-water and overwater structures located within 30 ft. of the OHWM, except for the subject replacement pier walkway and existing legal shoreline stabilization measures or the subject pier or dock walkways, shall be removed or relocated.</li> </ul>

3. In Fairweather Basin, Haug Channel, and Cozy Cove Inlet (see shoreline indicated by dark line below), the following dimensional standards apply in lieu of dimensional standards for maximum length and location provided above in Section 6.6.B.2. All other standards from Section 6.6.B.2 apply.

<b>Replacement Pier or Dock</b>	<b>Dimensional and Design Standards</b>
Maximum Length for piers, docks, ells, fingers and attached floats	<ul style="list-style-type: none"> <li>• In order to avoid interfering with navigation and public use of the water, private moorage facilities may extend no farther waterward than one-fifth the width of the channel in the location of the proposed structure or as regulated by plat restrictions</li> <li>• Ells shall be no longer than 30 ft. or the existing length, whichever is greater or as regulated by plat restrictions.</li> </ul>
Location of ells and deck platforms	<ul style="list-style-type: none"> <li>• Piers and ramps shall be as short as possible, provided the ell or platform is located waterward of any emergent or aquatic vegetation and extends no farther waterward than one-fifth the width of the channel in the location of the proposed structure or as regulated by plat restrictions.</li> </ul>
Boardwalks	<ul style="list-style-type: none"> <li>• The overwater footprint of a boardwalk shall be shifted</li> </ul>

	<p>landward to the maximum extent allowed by site-specific engineering or design considerations</p> <ul style="list-style-type: none"> <li>• Similar to replacement piers, existing boardwalk replacement is subject to height, decking, piling, and mitigation standards in 6.6.B.2 for those portions over the water.</li> </ul>
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4. The Town shall approve the following modifications to a pier replacement proposal that deviates from the dimensional standards 6.6.B.2 or 6.6.B.3, above. The following requirements and all other applicable provisions of this Chapter shall be met.

<b>Administrative Approval for Alternative Design of Replacement Private Pier or Dock</b>	<b>Requirements</b>
State and Federal Agency Approval	U.S. Army Corps of Engineers or the Washington Department of Fish and Wildlife have approved proposal (Note: both agencies are required to approve the project, but the applicant is only required to receive one of the approvals prior to submitting an application to the Town under these alternative design provisions.)

Maximum Width	<ul style="list-style-type: none"> <li>• 8 ft. for ells and float decking attached to a pier.</li> <li>• For piers with no ells or fingers, the most waterward 26 ft. section of the walkway may be 8 ft. wide.</li> </ul>
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C. Pier and Dock Additions.

1. Additions to existing piers or docks may be permitted under the following circumstances:
  - a. When additional length is required to reach 10 feet or the necessary water depth for moorage of the applicant’s boat;
  - b. When a single-use pier is converted to a joint-use pier; or
  - c. When the addition of an ell or finger will increase safety and usability.
2. When permitted, additions shall meet the following standards:

<b>Addition to Existing Pier or Dock</b>	<b>Dimensional and Design Standards</b>
Dimensional standards	Enlarged portions must comply with the pier or dock standards for length and width, height, water depth, location, decking, pilings and materials as described in 6.6.B.2 and 6.6.B.3
Decking for piers, docks, walkways, ells and fingers	Must convert an area of decking within 30 ft. of the OHWM to grated decking equivalent in size to the additional surface coverage. Grated or other materials must allow a minimum of 40% light transmittance through the material
Mitigation	<ul style="list-style-type: none"> <li>• Planting as described below in Section 6.6.E.3, not to exceed 1:1 ratio of pier enlargement area to planting area.</li> <li>• Existing skirting shall be removed and may not be replaced</li> <li>• Existing in-water and overwater structures located within 30 ft. of the OHWM, except for existing or authorized shoreline stabilization measures or the subject pier or dock walkways, shall be removed at a 1:1 ratio to the area of the addition.</li> </ul>

D. Repair of Existing Pier or Docks

1. Repair proposals that replace 50 percent or greater of the existing pier-support piles are considered replacement piers and must comply with requirements for Replacement Piers. Pile replacement does not include piles that are repaired through sleeving or splicing.

2. Repair proposals that replace between 25 and 50 percent of the existing pier support piles or replace over 50 percent of the pier decking or pier decking substructure must meet the standards specified below.

<b>Minor Repair of Existing Pier or Dock</b>	<b>Dimensional and Design Standards</b>
Replacement pilings or moorage piles	Minimize the size of pilings or moorage piles and maximize the spacing between pilings to the extent allowed by site-specific engineering or design considerations
Replacement of 50 percent or more of the decking or 50 percent or more of decking substructure	Replace any solid decking surface of the pier or dock located within 30 ft. of the OHWM with a grated surface material that allows a minimum of 40% light transmittance through the material

3. Other repairs to existing legally established moorage facilities where the nature of the repair is not described in the above subsections shall be considered minor repairs and are permitted, consistent with all other applicable codes and regulations. If the cumulative repair proposed over a three-year period exceeds thresholds established for reconstructed or repaired piers listed above, the current repair proposal shall be reviewed under those provisions.

E. New Piers

1. New piers shall be permitted, provided the following standards are applied:

<b>New Pier or Dock</b>	<b>Dimensional and Design Standards</b>
Maximum Area: surface coverage, including all attached float decking, ramps, ells and fingers	<ul style="list-style-type: none"> <li>• 480 sq. ft. for single-family use</li> <li>• 700 sq. ft. for joint-use facility used by 2 residential property owners</li> <li>• 1000 sq. ft. for joint-use facility used by 3 or more residential property owners</li> <li>• These area limitations shall include platform lifts.</li> <li>• Where a pier cannot reasonably be constructed under the area limitation above to meet a necessary moorage depth, an additional 6 sq. ft. of area may be added for each additional foot of pier length up to a maximum of 100 ft.</li> </ul>
Maximum Length for piers, docks, ells, fingers and attached floats (For Fairweather Basin, Haug Channel, and Cozy Cove Inlet, see 6.6.2.E.2)	<ul style="list-style-type: none"> <li>• Minimum necessary for intended use, not to exceed 100 ft</li> <li>• 26 ft. for ells</li> <li>• 20 ft. for fingers and float decking attached to a pier</li> </ul>
Maximum Width	<ul style="list-style-type: none"> <li>• 4 ft. for the nearshore 30 feet of pier or dock walkway, 6 ft. for remaining walkway. If applicant submits documentation of</li> </ul>

New Pier or Dock	Dimensional and Design Standards
	<p>need for a wider walkway based on a disability, the nearshore walkway may be 6 ft. wide. Documentation may include a disabled parking placard or other materials at the Shoreline Administrator’s discretion.</p> <ul style="list-style-type: none"> <li>• 4 ft. for ramp connecting pier to float</li> <li>• 6 ft. for ells</li> <li>• 2 ft. for fingers</li> </ul>
Height of piers	<ul style="list-style-type: none"> <li>• Minimum of 1.5 ft. above OHWM to bottom of pier stringers, except the floating section of a dock and float decking attached to a pier</li> <li>• Maximum of 4 ft. above OHWM for any piers or docks</li> </ul>
Spacing	<ul style="list-style-type: none"> <li>• Minimum of 10% of the lot width or 10 feet from the side yard, except for joint-use structures</li> </ul>
Decking for piers, docks walkways, platform lifts, ells and fingers	<ul style="list-style-type: none"> <li>• Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of 40% light transmittance through the material</li> <li>• For docks and floats with float tubs, grated decking shall be used in all areas that are not directly above the float tubs.</li> </ul>
Location of ells, fingers and deck platforms (For Fairweather Basin, Haug Channel, and Cozy Cove Inlet, see 6.6.E.2)	<ul style="list-style-type: none"> <li>• No closer than 30 ft. waterward of the OHWM, measured perpendicular to the OHWM</li> <li>• Within 30 ft. of the OHWM, only the pier walkway or ramp is allowed</li> </ul>
Pilings	<ul style="list-style-type: none"> <li>• First set of pilings for a pier or dock shall be located no closer than 18 ft from OHWM.</li> <li>• The diameter of pilings shall be minimized to the maximum extent allowed by site-specific engineering or design considerations.</li> <li>• The spacing between pilings shall be maximized to the extent allowed by site-specific engineering or design considerations.</li> </ul>
Mitigation	<ul style="list-style-type: none"> <li>• Existing skirting shall be removed and may not be replaced</li> <li>• Existing in-water and overwater structures located within 30 ft. of the OHWM, except for existing or authorized shoreline stabilization measures or the subject pier or dock walkways, shall be removed.</li> <li>• Plantings as described below in 6.6.E.4</li> </ul>

2. In Fairweather Basin, Haug Channel, and Cozy Cove Inlet, the following dimensional standards apply in lieu of dimensional standards for maximum length and location provided above in Section 6.6.E.1:

<b>New Pier or Dock</b>	<b>Dimensional and Design Standards</b>
Maximum Length for piers, docks, ells, fingers and attached floats	<ul style="list-style-type: none"> <li>• In order to avoid interfering with navigation and public use of the water, private moorage facilities may extend no farther waterward than one-fifth the width of the channel in the location of the proposed structure or as regulated by plat restrictions.</li> <li>• 30 ft. for ells, unless applicant demonstrates a need for greater length or as regulated by plat restrictions.</li> </ul>
Location of ells and deck platforms	<ul style="list-style-type: none"> <li>• Piers and ramps shall be as short as possible, provided the ell or platform is located waterward of any emergent or aquatic vegetation and extends no farther waterward than one-fifth the width of the channel in the location of the proposed structure</li> </ul>
Boardwalks	<ul style="list-style-type: none"> <li>• New overwater boardwalks are prohibited</li> </ul>

3. The Town shall approve the following modifications to a new pier proposal that deviates from the dimensional standards 6.6.E.1 or 6.6.E.2, above, provided Town zoning regulations regarding setback and length are followed. The following minimum requirements and all other applicable provisions of this Chapter shall be met.

<b>Administrative Approval for Alternative Design of New Private Pier or Dock</b>	<b>Requirements</b>
State and Federal Agency Approval	U.S. Army Corps of Engineers or the Washington Department of Fish and Wildlife have approved proposal (Note: both agencies are required to approve the project, but the applicant is only required to receive one of the approvals prior to submitting an application to the Town under these alternative design provisions.)
Maximum Width	<ul style="list-style-type: none"> <li>• 6 ft. for the entire walkway.</li> <li>• 8 ft. for ells</li> <li>• 4 ft. for fingers</li> </ul>

4. Mitigation Requirements. All proposals involving new piers or docks are subject to the following mitigation requirements:

- a. Native riparian vegetation shall be planted in at least 50 percent of the nearshore riparian area located along the water's edge. The vegetated portion of the nearshore riparian area shall average ten (10) feet in depth from the OHWM, but may be a minimum of five (5) feet wide to allow for variation in landscape bed shape and plant placement.
  - b. Restoration of native vegetation shall consist of a mixture of native trees, shrubs and groundcover and be designed to improve habitat functions (See Appendix D for a list of potential plants).
  - c. At least one (1) tree per 33 linear feet of shoreline and 60% shrubs shall be included in the plan. The shoreline length shall be rounded up to the nearest 33 foot increment to calculate the number of required trees.
  - d. Plant density and spacing shall be appropriate for the site and commensurate with spacing recommended for each individual species proposed.
  - e. An alternative planting plan or mitigation measure in lieu of meeting these requirements shall be allowed if approved by other state and federal agencies.
  - f. The Town shall accept existing native trees, shrubs and groundcover as meeting the requirements of this section, including vegetation previously installed as part of a prior development activity, provided that the existing vegetation provides a landscape strip at least as effective in protecting shoreline ecological functions as the required vegetation.
  - g. Joint-use piers shall be required to provide the same mitigation as required for one property, which can be split evenly between the subject properties.
5. Maintenance and Monitoring. In addition to a native planting plan, a five-year vegetation maintenance and monitoring plan shall be prepared. The monitoring plan shall include the following performance standards:
- a. Preparation of as-built drawings after installation of the mitigation plantings.
  - b. 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).

- c. 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.

F. Boatlifts, Canopies, and Covered Moorage

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

<b>Boatlift and Boat Canopy</b>	<b>Dimensional and Design Standards</b>
Location	<ul style="list-style-type: none"> <li>• Boatlifts shall be placed as far waterward of the OHWM as feasible and safe, within the limits of the dimensional standards for piers established in 6.6.E.1 and 2</li> <li>• Bottom of a boatlift canopy shall be elevated above the boatlift to the maximum extent feasible, but not to exceed more than 7 ft. above an associated pier</li> </ul>
Maximum Number	<ul style="list-style-type: none"> <li>• Four of any combination of the following per dwelling unit: free-standing or deck-mounted boatlift, jet ski lifts and/or platform lift</li> <li>• 1 boatlift canopy or moorage cover per dwelling unit</li> </ul>
Canopy/Moorage Cover Materials	<ul style="list-style-type: none"> <li>• Boatlift canopies shall be made of light-permeable fabric materials</li> <li>• Moorage covers shall be constructed of light-permeable materials</li> </ul>
Platform Lift Materials	Any platform lifts shall be fully grated
Mitigation	When more than one boatlift is approved at a site, the applicant must mitigate for the additional structures by installing additional shoreline vegetation, removing existing piles, removing existing overwater cover, or installing grating on existing overwater cover proportional to the impacts of the added structure

- 2. All lifts, canopies and covers must comply with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.

G. Recreational Floats/Swim Platforms. Recreational floats may be permitted, provided the following:

1. The area of the recreational float shall be minimized to the extent feasible and comply with regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.
2. No recreational float shall have more than one hundred (100) square feet when associated with a single family residence.
3. In addition, recreational floats must be in water with depths of 10 feet or more at the landward end of the float and may be located up to a maximum waterward distance of one hundred fifty (150) feet, or where the water depth is thirteen (13) feet below the OHWM, whichever is reached first.
4. Recreational floats shall be designed and intended for swim use or other non-motorized use and shall be fully grated.
5. Retrieval lines shall not float at or near the surface of the water.
6. The floats must be built so that the deck surface is one (1) foot above the water's surface and they must have reflectors for nighttime visibility.
7. All float tubs shall be fully encapsulated.

H. Moorage Piles- Moorage piles are allowed, provided the following:

1. A side setback of the greater of 10% of the lot width or 10 feet is observed, except for joint-use structures.
2. The pile is less than 6' above the OHWM.
3. Pile materials are consistent with material requirements in 6.6.A.7.
4. Moorage piles shall be located no closer than 30 ft. from the OHWM or any farther waterward than the end of the pier or dock.
5. A maximum of 2 moorage piles per detached dwelling unit shall be permitted, including existing piles, and a maximum of 4 moorage piles shall be permitted for joint-use piers or docks, including existing piles.

## **6.7 Recreational Development**

Recreational uses include passive activities, such as walking, viewing and fishing. Recreational development also includes facilities for active uses, such as swimming, boating, and other outdoor recreation uses. This section applies to the sole public shoreline recreational area within Hunts Point, the Wetherill Nature Preserve. This section does not apply to private residences. The construction of swimming facilities, piers, moorages, and floats waterward of the OHWM shall be governed by the regulations relating to overwater structure construction in Section 6.6, Private Moorage of this Shoreline Master Program.

Recreational use within the Wetherill Nature Preserve is limited to hiking trails.

- 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 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. View and vistas shall be regulated by residential height restrictions and setbacks as established by Table 6.2 of this SMP.
- D. Total impervious areas within the shoreline setback area of the R40 zone shall be limited to 15 percent of the area between the OHWM and 50' landward, 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.
- E. Total impervious areas within the shoreline setback area of the R20 zone shall be limited to 25 percent of the area between the OHWM and 25' landward, 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.

## **6.9 Shoreline Habitat and Natural Systems Enhancement Projects**

Shoreline habitat and natural systems enhancement projects include those activities proposed and conducted specifically for the purpose of establishing, restoring, or enhancing habitat for priority species in shorelines.

- 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**

- A. Shoreline stabilization structures shall be located, designed and constructed to minimize adverse impact on the property of others.
- B. All new shoreline development shall be located and designed to prevent or minimize the need for shoreline modification activities.
- C. Breakwaters, jetties, and groins are prohibited within the waters of Hunts Point.
- D. Consideration shall be given to the impact of proposed shoreline modification structures on ecosystem-wide processes (e.g., sediment movement) and functions (e.g., habitat). Provisions shall be made to avoid and minimize impacts.
- E. Mitigation for shoreline stabilization must be provided to achieve no net loss of ecological functions necessary to sustain shoreline natural resources.
- F. Shoreline stabilization solutions developed to replace existing shoreline stabilization shall be placed along the same alignment as, or landward of, the shoreline stabilization being replaced.
- G. Shoreline stabilization shall not significantly interfere with normal surface and/or subsurface drainage into the water body.
- H. Shoreline stabilization shall be designed so as not to constitute a hazard to navigation and to not substantially interfere with visual access to the water.
- I. Shoreline stabilization shall be designed so as not to create a need for shoreline stabilization elsewhere.
- J. Professional design (as approved by the Town) of all shoreline stabilization or modification structures is required.

### **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 shall 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 an existing 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 a 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. Any on-site drainage issues must be directed away from the shoreline edge prior to considering structural stabilization.
3. Nonstructural measures, such as planting vegetation, or installing on-site drainage improvements must be explored and must be shown to be unfeasible or insufficient to protect the primary structure.

**B. Replacement or Major Repair of Hard Structural Stabilization**

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 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 top or middle course of rocks or other similar repair activities.
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 is presented to the Town that the structure is in danger from shoreline erosion caused by waves.

- C. Minor Repairs of Hard Shoreline Stabilization include those maintenance and repair activities not otherwise addressed in the subsections above. The Town shall allow minor repair activities to existing hard structural shoreline stabilization measures.
- 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.
  4. For long-term impacts, new, enlarged or major repair or replacement of hard structural shoreline stabilization shall incorporate the following measures into the design wherever feasible: limiting the size of hard structural shoreline stabilization measures to the minimum necessary, including height, depth, and mass; shifting hard stabilization structures landward and/or sloping the structure landward to provide some dissipation of wave energy and increase the quality or quantity of nearshore shallow-water habitat.
  5. 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 trees, shrubs and groundcover and be designed to improve habitat functions. At least 3 trees per 100 linear feet of shoreline and 60% shrubs must be included in the plan;
  - iv. Plant materials shall be chosen from the list in Appendix D or otherwise approved by the Shoreline Administrator;
  - iv. An alternative planting plan or mitigation measure in lieu of meeting this section shall be allowed if approved by other state and federal agencies.
  - v. In addition, the Town shall accept existing native trees, shrubs and groundcover as meeting the requirements of this section, including vegetation previously installed as part of a prior development activity, provided that the existing vegetation provides a landscape strip at least as effective in protecting shoreline ecological functions as the required vegetation.
6. Hard and soft shoreline stabilization measures shall be designed to not significantly interfere with normal surface and/or subsurface drainage into Lake Washington, constitute a hazard to navigation or extend waterward more than the minimum amount necessary to achieve effective stabilization.
7. Hard and soft stabilization measures are allowed to have gravel, logs and rocks waterward of the OHWM, as approved by the Town and federal and state agencies, to provide enhancement of shoreline ecological functions through creation of nearshore shallow-water habitat.

8. Stairs or other water access measures may be incorporated into the shoreline stabilization, but shall not extend waterward of the shoreline stabilization measure.
  9. The shoreline stabilization measures shall be designed to ensure that the measures do not restrict public access or make access unsafe to the shoreline. Access measures shall not extend farther waterward than the face of the shoreline stabilization structure.
- F. Specific Design Standards for New or Enlarged Hard Structural Stabilization. In addition to the general design standards above, the following design standards shall be incorporated:
1. Where hard stabilization measures are not located on adjacent properties, the construction of a hard stabilization measure on the site shall tie in with the existing contours of the adjoining properties, as feasible, such that the proposed stabilization will not cause erosion of the adjoining properties.
  2. Where hard stabilization measures are located on adjacent properties, the proposed hard stabilization measure may tie in flush with existing hard stabilization measures on adjoining properties, but by no more than as reasonably required. The new hard stabilization measure shall not extend waterward of the OHWM, except as necessary to make the connection to the adjoining hard stabilization measures. No net intrusion into the lake and no net creation of upland shall occur with the connection to adjacent stabilization measures.
  3. Fill behind hard shoreline stabilization measures shall be limited to an average of one (1) cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered a regulated activity subject to the regulations in this Chapter pertaining to fill activities and the requirement for obtaining a Shoreline Substantial Development Permit.
- G. Replacement hard structural stabilization measures shall not encroach waterward of the OHWM or waterward of the existing shoreline stabilization measure unless there is overriding safety or environmental 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**

Transportation facilities are those structures and developments that aid in land, air, and water surface movement of people, goods, and services. They include roads and highways, bridges, bikeways, trails, floatplane moorage, and other related facilities. In Hunts Point, these uses account for a minimal percentage of the shoreline land inventory. However, these facilities have the potential to impact shoreline areas.

- 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.