

**Town of Yarrow Point  
Shoreline Master Program**

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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 Yarrow 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. Such wetlands may be found within the Wetherill Nature Preserve and Morningside Park. 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, Yarrow Point is required to adopt a Shoreline Master Program (“Program” or “SMP”) that is based on state guidelines but tailored to the specific needs of the community. The Program represents a comprehensive vision of how shoreline areas will be used and developed over time. It is essentially a shoreline-specific combined comprehensive plan, zoning ordinance, and development permit system.

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

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

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

## 1.2 Shoreline Master Program Development and Public Participation

Yarrow Point’s original Shoreline Master Program was adopted in 1974 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 Analysis Report, 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 October 2010, the Town Planning Commission 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. Over twenty town residents attended the event. The general consensus of those present was that the existing shoreline rules had allowed for the development of the unique residential and water-oriented recreational community that is Yarrow Point, and such rules and development regulations should be retained.

[to be updated prior to Council adoption]

## 1.3 How the Yarrow Point Shoreline Master Program is Used

The Yarrow 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 Yarrow Point, all development proposals within the shoreline jurisdiction are evaluated for compliance with the Program. The Master Program policies and regulations only apply to “development,” which is defined as a “use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.” Some developments may be exempt from a Shoreline Substantial Development Permit, while others may require a Shoreline Conditional Use Permit or Shoreline Variance; however, all proposals must comply with the policies and regulations established by the SMA and the Yarrow Point Shoreline Master Program.

Shoreline environmental 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. Yarrow Point has designated its Lake Washington shoreline under four shoreline environments: Shoreline Residential, Natural, Aquatic, and Urban Conservancy. These environments are described in *Chapter 4: Shoreline Environment Description and Designations* and mapped in Appendix C.

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

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

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

#### **1.4 Relationship of this Shoreline Master Program to Other Plans**

The permitting process for a shoreline development or use does not exempt an applicant from complying with any other local, state, regional or federal statutes or regulations which may also be applicable to such development or use. In Yarrow Point, other plans and policy documents that must be considered include the Yarrow Point Comprehensive Plan, the Yarrow Point Municipal Code and the Town of Yarrow Point Stormwater Guidelines. 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.<sup>1</sup> (RCW 36.70A.480)

october 2012 public hearing

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<sup>1</sup> Shoreline Master Programs are required by the Shoreline Management Act to regulate critical areas. These regulations are included in this SMP, rather than referenced, as the Department of Ecology has approval authority over any referenced regulations that are essential to compliance with SMP requirements, even if those referenced regulations also apply to areas outside of shoreline jurisdiction. As such, the content of the critical areas regulations applicable in shoreline jurisdiction may be different than critical areas regulations applicable outside of shoreline jurisdiction.

## **CHAPTER 2: SHORELINE MANAGEMENT GOALS**

### **2.1 Shoreline Use Element**

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

### **2.2 Public Access Element**

Increase and enhance public access to shoreline areas for the enjoyment of shoreline amenities, consistent with the natural shoreline character and public safety within the Town's public spaces.

### **2.3 Recreational Element**

Encourage water-oriented recreational opportunities within the residential areas of the Town, while protecting the integrity, ecology and character of the shoreline. Encourage boating and swimming at the Town's two road end areas.

### **2.4 Circulation Element**

Town streets or rights of way shall be available for bicycle and foot traffic with appropriate access to publically owned shorelines. Walking trails within the shoreline area shall be maintained in a manner consistent with protection of the existing ecological functions. Ensure that developments waterward of the OHWM do not interfere with navigation on and other public uses of Lake Washington.

### **2.5 Conservation Element**

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

### **2.6 Historic, Cultural, Scientific, and Educational Element**

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

### **2.7 Restoration Element**

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

## CHAPTER 3: SHORELINE MANAGEMENT POLICIES

### 3.1 General Policies

- A. Archaeological and Historical Resources. Due to the limited and irreplaceable nature of the resource, public or private uses and activities should be prevented from destroying or damaging any site having historic, cultural, scientific or educational value as identified by the appropriate authorities.
- B. Environmental Impacts
1. The adverse impacts of shoreline uses and activities on the shoreline environment should be avoided, if feasible, and then minimized during all phases of development consistent with the mitigation sequencing standards of 5.3.A and WAC 173-26-201(2)(e)(i) (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 Yarrow 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 Yarrow 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 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 the shoreline management area jurisdiction are regulated by the Town of Yarrow Point Critical Areas Regulations for Shoreline Jurisdiction (Appendix D). If there are conflicts between the regulations contained in the SMP, those that are the most protective of shoreline ecological functions will apply.



2. Unique, rare and fragile natural 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 Yarrow Point should protect the ecological integrity of its shoreline areas within its jurisdiction.

D. Public Access

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

E. Vegetation Management

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

F. Water Quality

1. Prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions, or a significant impact to aesthetic qualities, or recreational opportunities.
2. All shoreline uses and activities should be located, designed, constructed and maintained to minimize adverse impacts to water quality and fish and wildlife resources including spawning, nesting, rearing, and feeding areas and migratory routes.
3. The Town should require setbacks, buffers and stormwater treatment and detention facilities to achieve the objective of no net loss of shoreline ecological functions and maintenance of good water quality.
4. Any treatment of runoff required by the Town's adopted stormwater plan should be conducted on-site at the source to prevent adverse impacts to water quality.
5. Dredging and filling activities should be conducted in a manner that protects the Town's water quality. For detailed information on requirements and policies related to dredging, see the Shoreline Modification Activity Regulations section entitled Dredging.
6. The Town should provide general information to the public about the use of land and human activities which impact water quality.

7. The following BMPs regarding water quality management should be supported:
- a. Hazardous materials should always be disposed of properly if they cannot be reused or recycled. Household products identified by such labels as poisonous, corrosive, caustic, flammable, volatile, explosive, or dangerous, and their associated containers, should never be dumped outdoors at a residence.
  - b. Ground cloths or drip pans should be used beneath any outdoor work involving hazardous materials such as paints, wood preservatives, finishes, stains, and rust removers. Collected drips and spills should be recycled or disposed of properly.
  - c. The runoff from automobile washing should drain to vegetated areas, such as lawns. If soaps or detergents are used, products without phosphates should be selected. Use a high pressure hose with trigger to minimize water usage.
  - d. Limit the amount of lawn and garden watering so that surface water runoff containing pesticides, herbicides and fertilizers does not leave the property. Application of these chemicals should be avoided if precipitation is expected.
  - e. Boat maintenance and repair activities that can be moved on-shore should be moved accordingly. This action reduces some of the potential for direct pollution on Lake Washington.
  - f. Boat 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. Several companies are available for bilge pumpout services. The problem can possibly be avoided if oil-absorbent pads are used to capture the oil in the bilge water before pumping. If pads are used, they must be recycled or properly disposed.
  - 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 water bodies.
  - i. Feeding Canada geese and other waterfowl along the shoreline should be discouraged to prevent them from gathering in large numbers and potentially contaminating the water from bird droppings.

### 3.2 Shoreline Use and Modification Policies

#### A. Boating Facilities

1. Locate new boating facilities and allow expansion of existing facilities at sites with suitable environmental conditions, shoreline configuration, access, and neighboring upland and aquatic uses.
2. Require mitigation for any adverse impacts to ecological functions that may result from new, expanded or modified boating facilities.
3. Boating facilities that minimize the amount of shoreline modification, in-water structure, and overwater cover are preferred.

#### B. 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, streams, lakes, and wetlands; and to minimize degradation of water quality.
2. Clearing and grading activities in shoreline areas should be limited to the minimum necessary to accommodate shoreline development. Such activities should be discouraged in designated (structural) setback areas and allowed in other shoreline locations only when associated with a permitted shoreline development.
3. Adverse environmental and shoreline impacts of clearing and grading should be avoided wherever possible through proper site planning, construction timing and practices, bank stabilization, soil bioengineering and use of erosion and drainage control methods consistent with mitigation sequencing requirements. Maintenance of drainage controls should be a high priority to ensure continuing, effective protection of habitat and water quality.
4. Cleared and disturbed sites remaining after completion of construction should be promptly replanted 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.

#### C. Dredging and Dredge Material Disposal

1. New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

2. Dredging in Lake Washington should be allowed to maintain, establish, expand, or relocate or reconfigure navigation channels and basins where necessary for assuring safe and efficient accommodation of existing navigational uses.
3. Dredging and dredge material disposal should be located and conducted in a manner that minimizes damage to existing ecological functions of the area to be dredged and of the disposal site. Proposals that include dredging shall provide mitigation to achieve no net loss of shoreline ecological functions.
4. Dredging waterward of the OHWM for the primary purpose of obtaining fill or construction material is prohibited.
5. Dredge material disposal in Yarrow Point should be prohibited, except for habitat improvement projects.

D. Fill Waterward of the OHWM

1. Fills waterward of the OHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses and modification, and ecological restoration which are consistent with this Master Program. All fill waterward of the OHWM not associated with ecological restoration or approved shoreline stabilization should require a Shoreline Conditional Use Permit.
2. Fill should be designed and located so that there will be no 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 this Master Program.
5. Beach nourishment on public and private community beaches should be allowed, subject to the assurance of no net loss of ecological functions in the process.

E. Private Moorage

1. Pier construction should be consistent with current state and federal requirements for Lake Washington. Generally, these require fixed-pile construction, using metal or untreated pilings, narrow widths, and decking that minimizes shading.
2. Private moorage should be designed and located so as to minimize interference with navigation of adjacent property owners to their private moorage structures or with public navigation and other public uses of Lake Washington.

F. Recreational Development

1. Give priority to shoreline recreational development on public lands owned by the Town of Yarrow Point 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.

G. Residential Development

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

H. Shoreline Habitat and Natural Systems Enhancement Projects

1. The Town should allow restoration projects, especially those identified in or consistent with the *Yarrow 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.

I. Shoreline Stabilization

1. Hard structural solutions should be allowed only after it is demonstrated that nonstructural or soft structural solutions would not provide sufficient protection to existing primary structures. Nonstructural and soft structural solutions include

(but are not limited to) soil bioengineering, beach enhancement, alternative site designs, drainage improvements and increased building setbacks (for proposed structures), and are the preferred method of stabilization when it is demonstrated to be necessary.

2. Proposals for shoreline stabilization activities should address the potential impact of these activities on adjacent properties, and on shoreline ecological functions and ecosystem-wide processes, such as sediment transport, geomorphology, aquatic habitat, and shoreline vegetation.
3. Shoreline stabilization on the Lake Washington shoreline shall not be used to create new or newly usable land.
4. Shoreline stabilization structures should allow passage of ground and surface waters into Lake Washington.
5. All new shoreline development should be located and designed to avoid the need for future shoreline stabilization activities.
6. Mitigation for shoreline stabilization must be provided to achieve no net loss of ecological functions necessary to sustain shoreline natural resources.

J. 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.
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.

K. Utilities

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

## **CHAPTER 4: SHORELINE ENVIRONMENT DESCRIPTION AND DESIGNATIONS**

### **4.1 Introduction**

This section defines shoreline jurisdiction and the particular shoreline environment designations within the Town of Yarrow Point. Shoreline jurisdiction in the Town of Yarrow Point consists of the waters of Lake Washington (a Shoreline of Statewide Significance), upland areas extending 200 feet landward of the OHWM, and associated wetlands.

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

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

### **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 Yarrow Point has identified the Wetherill Nature Preserve and portions of Morningside Park 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, residential, 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 area will result.
- 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 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 Urban Conservancy**

#### **4.4.1 Purpose**

The purpose of the "Urban Conservancy" environment is to protect and restore ecological functions in urban and developed settings, while allowing a variety of water-oriented and low impact uses. Urban Conservancy areas are publicly owned, and include the NE 47<sup>th</sup> Street Road End Beach and the NE 42<sup>nd</sup> Street Road End hand-held boat launch area.

#### **4.4.2 Management Policies**

- A. The following uses shall be permitted within the Urban Conservancy environment: water-oriented recreation; scientific, historical, cultural, and educational uses; public access; utilities that must be located within the designated area; restoration activities. All

uses shall be compatible with conserving, protecting and restoring ecological conditions of the shoreline. All other uses shall be prohibited.

## **4.5 Aquatic Environment**

### **4.5.1 Purpose**

The “Aquatic” environment encompasses Lake Washington contained within the Yarrow Point town limits, waterward of the ordinary high water mark (OHWM). According to WAC 173-26-211(5)(c), “the purpose of this environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.”

### **4.5.2 Management Policies**

- A. The Aquatic environment should be managed consistent with the policies found in WAC 173-26-211(5)(c)(ii).
- B. Existing piers, moorage structures, and bulkheads shall be allowed to be maintained.
- C. New overwater structures shall be allowed for water-dependent recreational uses associated with single-family or community water-oriented recreational development.
- D. Shared use of overwater structures shall be encouraged and required when new residential development of two or more adjacent dwellings occurs.
- E. Fill shall not be placed into Lake Washington, with the exception of material accessory to permitted uses or modifications or designed to enhance the natural habitat.

## **CHAPTER 5: GENERAL REGULATIONS**

### **5.1 General Regulations**

- A. Minimum setbacks and height limits for specific shoreline developments, uses, and activities are described in Section 6.2, Development Standards.
- B. All shoreline uses and shoreline modification activities, including those that do not require a Shoreline Substantial Development Permit, must conform to the intent, policies, and regulations of this Master Program, including Shoreline Management Goals (Chapter 2), Shoreline Management Policies (Chapter 3), Shoreline Environment Description and Designations (including the environment designation map) (Chapter 4), General Regulations (Chapter 5), and Specific Shoreline Use and Modification Regulations (Chapter 6).
- C. All shoreline development shall be designed in accordance with current codes and regulations and shall obtain all necessary permits from all applicable federal, state and local management codes and regulations, including those administered or required by the U.S. Army Corps of Engineers, , the U.S. Department of Agriculture, the State Department of Fish and Wildlife, the State Department of Ecology, the State Department of Agriculture, the State Environmental Policy Act, the Town's code pertaining to critical areas within shoreline jurisdiction (Appendix D), the Town's zoning regulations, and other applicable local land use codes and regulations. Where there are conflicts between these regulations, or between different regulations within this SMP, those which provide the most protection to shoreline ecological functions shall apply.
- D. Shoreline modification activities must be in support of an allowable shoreline use which conforms to the provisions of this Master Program. Except as otherwise noted, all shoreline modification activities not associated with a legally existing or an approved shoreline use are prohibited.

### **5.2 Archaeological and Historical Resources**

- A. All shoreline permits and exemptions shall contain provisions which require developers to immediately stop work and notify the Town if any phenomena of possible archaeological interest is uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data is properly handled. The Town shall subsequently notify the Muckleshoot Tribe and the State Office of Archaeology and Historic Preservation. Failure to comply with this requirement shall be considered a violation of the Shoreline Permit.
- B. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the Town determines that a site has significant archeological, natural scientific or historical value, a Shoreline Substantial Development Permit and/or any other permit authorizing development or land modification shall not be issued which would pose a threat to the site. The Town

may require that a site be redesigned or that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.

- C. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The Town shall notify the State Department of Ecology, the State Attorney General's Office, any affected Indian tribes, and the State Historic Preservation Office of such a waiver in a timely manner.
- D. Archaeological sites are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Resources) and shall comply with WAC 25-48 (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. To assure achievement of no net loss of ecological functions, applicants shall provide an analysis of adverse environmental impacts of the proposal and include measures to mitigate adverse environmental impacts not otherwise avoided or mitigated by compliance with the master program and other applicable regulations. Where required, mitigation measures shall be applied in the following sequence of steps listed in prioritized order, to be applied consistent with WAC 173-26-201(2)(e):
  1. Avoiding the impact altogether by not taking a certain action or parts of an action;
  2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
  3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  4. Reducing or eliminating the impact over time by preservation and maintenance operations;
  5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

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

- B. Application of the mitigation sequence shall achieve no net loss of ecological functions for each new development and shall not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the SMA. Identified significant short-term and long-term adverse environmental impacts lacking appropriate mitigation shall be sufficient reason for permit denial.
- C. Solid waste, liquid waste, and untreated effluent shall not be allowed to enter any bodies of water or to be discharged onto the land.
- D. The direct release of oil and hazardous materials or chemicals onto the land or into water is prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leakproof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- E. All shoreline uses and activities shall utilize best management practices (BMPs) to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Physical control measures include, but are not limited to, catch basins, settling ponds, oil/water separators, filtration systems, grass-lined swales, interceptor drains and landscaped buffers. All types of BMPs require regular maintenance to continue to function as intended.
- F. All shoreline uses and activities shall be located, designed, constructed and managed to avoid, if feasible, and then minimize and mitigate adverse impacts to water quality and fish and wildlife resources, including spawning, nesting, rearing, feeding and habitat areas, and migratory routes.
- G. All shoreline uses and activity shall be located, designed, constructed and managed in a manner that avoids, if feasible, and then minimizes and mitigates adverse impacts to surrounding land and water uses.
- H. All shoreline developments shall be located, constructed and operated so as not to be a hazard to public health and safety.
- I. Land clearing, grading, filling and alteration of natural drainage features and land forms shall be limited to the minimum necessary for development. Surface drainage systems or

substantial earth modifications involving greater than 500 cubic yards of material shall be designed by a professional engineer. These designs shall seek to prevent maintenance problems, avoid adverse impacts to adjacent properties or shoreline features, and result in no net loss of shoreline ecological functions.

- J. All shoreline uses and activities shall be located and designed to prevent or minimize the need for shoreline stabilization.
- K. Except as otherwise permitted herein, navigable waters in Yarrow Point shall be kept free of hazardous or obstructing uses and activities.

#### **5.4 Environmentally Sensitive Areas**

- A. All shoreline uses and activities shall be located, designed, constructed and managed to protect and/or not adversely affect those natural features which are valuable, fragile or unique in the region, and to facilitate the appropriate intensity of human use of such features, including but not limited to:
  - Wetlands;
  - Fish and wildlife habitats, including streams, migratory routes, and spawning areas;
  - Geologically hazardous areas;
  - Hydrologic connections between waterbodies, streams and wetlands; and
  - Natural or man-made scenic vistas or features.
- B. Environmentally sensitive areas within shoreline jurisdiction are regulated by the Town's Critical Areas Regulations modified for consistency with the Shoreline Management Act and included in this SMP as Appendix D.

#### **5.5 Public Access**

- A. Public access shall be required for any development of more than four single-family parcels or for any development proposed by a public entity or on public lands. Such sites shall be fully developed and available for public use at the time of occupancy.
- B. Public access provided by public street ends, public utilities and rights-of-way shall not be diminished by a proposed use, activity or development.
- C. 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. All shorelines shall be protected within the shoreline area and/or the adjacent uplands.
- B. Vegetation conservation standards shall not apply retroactively to existing uses and developments. Vegetation associated with existing structures, uses and developments may be maintained within shoreline jurisdiction consistent with these vegetation management standards and the SMP. Normal nondestructive pruning and trimming of vegetation for maintenance purposes shall not be subject to these regulations.
- C. 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.
- D. Where vegetation removal or harm 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 at a minimum 1:1 ratio for shrub species by area and a minimum 2:1 ratio for tree species by number. Adverse impacts are assumed to result from removal of trees, shrubs and groundcovers or from construction or operation of new developments that could impair the tree's health. Mitigation plans shall be prepared by a qualified professional. Mitigation is to occur on site and within shoreline jurisdiction unless the applicant can prove it is infeasible, and must address temporal losses in the shoreline vegetation function, if applicable.
- E. Shorelines or streambanks that will be disturbed or degraded incidental to construction of an authorized development shall be revegetated using native plant materials, unless the disturbance will occur within a developed and maintained ornamental landscape, in

which case noninvasive plant materials similar to that which most recently occurred on-site may be used.

- F. Stabilization of exposed erosion-prone surfaces within shoreline jurisdiction shall, wherever feasible, utilize soil bioengineering techniques.
- G. Clearing by hand-held tools and equipment of invasive non-native shoreline vegetation or plants listed on the State Noxious Weed List is permitted in upland shoreline locations, provided that any exposed soils are immediately stabilized.
- H. Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where an existing water-dependent use is restricted by the presence of weeds. Aquatic vegetation control shall occur in compliance with all other applicable laws and standards, including Washington Department of Fish and Wildlife requirements.
- I. The control of invasive aquatic vegetation by hand pulling or placement of aquascreens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a Shoreline Substantial Development Permit. Control of aquatic vegetation by mechanical methods is exempt from the requirement to obtain a Shoreline Substantial Development Permit only if the bottom sediment or benthos is not disturbed in the process. It is assumed that mechanical removal of accumulated vegetation at a level closer than two (2) feet to the root level will disturb the bottom sediment and benthos layer.
- J. The control of aquatic vegetation by derooting, rotovating or other methods which disturb the bottom sediment or benthos shall be considered development for which a Shoreline Substantial Development Permit is required.
- K. The application of herbicides or pesticides in lakes, rivers, streams, wetlands, or ditches requires a permit from the Washington Department of Ecology and may require preparation of a SEPA checklist for review by other agencies. The individual(s) involved must obtain a pesticide applicator license from the Washington State Department of Agriculture.
- L. To maintain the ecological functions that trees provide to the shoreline environment, significant trees on public property shall be managed as follows.
  - 1. Significant trees may be pruned, maintained, and removed within all Town-owned rights-of-way and other public property only as may be necessary to ensure public safety, including but not limited to the removal of hazardous trees and any vegetation that interferes with pedestrian or vehicular transportation, public utilities, or compromises any structures lawfully constructed. Tree removal must be mitigated as required by regulation 5.6.D above.
  - 2. The Town shall utilize the American National Standards Institute (ANSI) A300 standards and the International Society of Arboriculture's (ISA) Best



Management Practices for the care of all vegetation within the Town-owned rights-of-way and other public property, especially measures describing best practices, policies, techniques, and methods and procedures for pruning trees.

3. Hazard trees may be removed subject to a report prepared by a qualified professional presenting an evaluation and recommendation for removal. The party requesting the tree removal shall be responsible for the cost of the study. In the event that tree removal or maintenance is required, the town shall reimburse the property owner for the qualified professional's report, in an amount not to exceed \$200.00.
4. Significant trees removed without Town approval must be compensated by replanting of trees equal in value to those removed or destroyed, at a location designated by the Town in shoreline jurisdiction.

## 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. Herbicide application.
  1. It is unlawful for any person, including a corporation, partnership or other legal entity, to place, throw, spray or otherwise introduce or attempt to place, spray or otherwise introduce or cause to be placed, thrown, sprayed or otherwise introduced into the waters of Cozy Cove, Yarrow Bay, and within 500 feet of the shoreline of the town any herbicide with the exception of those herbicides which are labeled as registered aquatic herbicides with the federal Environmental Protection Agency and which are registered with the State Department of Agriculture for use in the state.
  2. It is unlawful for any registered herbicide as defined in B.1 to be applied unless it is applied under the authority of a modification of water quality standards order issued by the Washington Department of Ecology.
- C. Shoreline development and uses shall adhere to all required setbacks, buffers and standards for stormwater storage basins.
- D. 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*

*october 2012 public hearing*

## CHAPTER 6: SPECIFIC SHORELINE USE AND MODIFICATION REGULATIONS

### 6.1 Use and Modifications Matrix

- A. Table 6.1 indicates which uses and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment. Accessory uses shall be subject to the same shoreline permit process as its primary use, unless such accessory uses are specifically listed in Table 6.1. Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall apply.
- B. Authorized uses and modifications are only allowed in shoreline jurisdiction where the underlying zoning allows for it and subject to the policies and regulations of this SMP.
- C. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Shoreline Substantial Development Permit.
- D. Uses and modifications identified as “Permitted” require either a Substantial Development Permit or may be exempt from the requirement to obtain a Substantial Development Permit, as outlined in Appendix B of this SMP and WAC 173-27-040(2). However, for all exemptions other than “normal maintenance and repair” (WAC 173-27-040(2)(b)), uses and modifications listed as “Conditional Use” or “Prohibited” are not eligible for a Shoreline Exemption. Exempted uses and modifications, 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 Shoreline Exemption, then a Shoreline Permit is required for the entire proposed development project.

**Table 6.1 Shoreline Use Matrix**

REGULATION	Urban Conservancy	Shoreline Residential	Natural	Aquatic
Agriculture	Prohibited	Prohibited	Prohibited	Prohibited
Aquaculture	Prohibited	Prohibited	Prohibited	Prohibited
Boating Facilities	Permitted	Permitted	Prohibited	Permitted
Clearing and Grading (includes fill upland of OHWM)	Permitted	Permitted	Conditional Use	Prohibited
Commercial Development	Prohibited	Prohibited	Prohibited	Prohibited
Dredging	NA	NA	NA	Permitted
Dredge Material Disposal	Prohibited, Permitted if restoration	Prohibited, Permitted if restoration	Prohibited, Permitted if restoration	Prohibited, Permitted if restoration

<b>REGULATION</b>	<b>Urban Conservancy</b>	<b>Shoreline Residential</b>	<b>Natural</b>	<b>Aquatic</b>
Fill (waterward of OHWM)	NA	NA	NA	Conditional Use, Permitted if restoration
Forest Practices	Prohibited	Prohibited	Prohibited	Prohibited
Industrial Development	Prohibited	Prohibited	Prohibited	Prohibited
Mining	Prohibited	Prohibited	Prohibited	Prohibited
Parking as a Primary Use as an Accessory Use	Prohibited Permitted	Prohibited Permitted	Prohibited Prohibited	Prohibited Prohibited
Private Moorage Boathouse Pier, Float, Joint Use Structure, Ramp, Buoy, Moorage Pile Floating Dock Moorage Cover Boatlift, Platform Lift, Boatlift Canopy Launching Ramp Launching Rails	NA	Prohibited Permitted  Prohibited Permitted Permitted  Prohibited Prohibited	NA	Prohibited Permitted  Prohibited Permitted Permitted  Prohibited Prohibited
Recreational Facilities Water-dependent Water-related Water-enjoyment (trail) Non-water-oriented Primary Accessory	Permitted Permitted Permitted  Prohibited Permitted	NA NA NA  NA NA	Conditional Use Prohibited Permitted  Prohibited Prohibited	Permitted NA NA  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 and Enhancement Soil Bioengineering Breakwaters Bulkheads Groins Jetties	Permitted  Permitted Prohibited Permitted Prohibited Prohibited	Permitted  Permitted Prohibited Permitted Prohibited Prohibited	Conditional Use  Conditional Use Prohibited Prohibited Prohibited	Permitted  Permitted Prohibited Prohibited Prohibited

<b>REGULATION</b>	<b>Urban Conservancy</b>	<b>Shoreline Residential</b>	<b>Natural</b>	<b>Aquatic</b>
Transportation	Conditional Use	Conditional Use	Conditional Use	Prohibited
Utilities				
Primary	Prohibited	Prohibited	Prohibited	Prohibited
Accessory	Permitted	Permitted	Permitted	Permitted

## 6.2 Development Standards

- A. To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, shoreline development standards regarding shoreline setbacks, minimum frontage, and height are provided in Table 6.2. In addition, shoreline developments shall comply with all other dimensional requirements of the Town’s zoning and other development regulations.
- B. When a development or use is proposed that does not comply with the development standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance.
- C. All development subject to the SMP shall, at a minimum, achieve no net loss of ecological functions necessary to sustain shoreline natural resources, including development exempt from a Shoreline Substantial Development Permit.

**Table 6.2 Development Standards**

<b>REGULATION</b>	<b>Urban Conservancy</b>	<b>Shoreline Residential</b>	<b>Natural</b>	<b>Aquatic</b>
Height Limit	25’	25’ above original grade <sup>2</sup>	25’	25’
Shoreline Setback	50’	50’ primary structure (See SMP Section 6.9)	NA	NA
Impervious Surface	50%*	See SMP Section 6.9	5%**	0
Minimum Lot Frontage	50’	50’	50’	NA
Sideyard setback	10’	10’	10’	10’

\* Based on existing conditions at NE 47<sup>th</sup> and NE 42<sup>nd</sup> road-ends.

\*\* 5% allows for installation of bench and sign foundations.

<sup>2</sup> As defined in YPMC 17.08.010: “Grade, original” means the grade of undisturbed earth which existed at the time of incorporation of the town of Yarrow Point, June 30, 1959.”

### 6.3 Boating Facilities

Boating facilities are those boat moorage or boat launching structures serving more than four single-family residences, including public and community facilities. Standards for structures serving four or fewer single-family residences are located in Section 6.7, Private Moorage.

- A. Existing boating facilities may be maintained, repaired, renovated and expanded.
- B. New boating facilities may be constructed.
- C. Design Standards – Overwater Structures
  - 1. No skirting is allowed on any overwater structure.
  - 2. Overwater structures shall not include walled or covered structures, such as boat canopies or covered moorage.
  - 3. Any paint, stain or preservative applied to components of the overwater structure must be leach-resistant, completely dried or cured prior to installation. Materials shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds.
  - 4. Lighting associated with overwater structures shall be beamed, hooded, or directed to avoid causing glare on adjacent properties or waters. Illumination levels shall be the minimum necessary for safety.
  - 5. Overwater structures 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.
  - 6. Overwater structures shall not create navigation hazards consistent with U.S. Army Corps of Engineers and U.S. Coast Guard Standards for navigable waterbodies.
  - 7. New overwater structures, including additions to existing facilities, must be fully grated and sized with the minimum width and length dimensions necessary to accommodate the intended use. Walkways shall be no wider than 10 feet for public facilities and 6 feet for private facilities.
  - 8. New and expanded facilities must provide mitigation to compensate for adverse affects on shoreline ecological functions.
- D. Design Standards – Boat Launches
  - 1. Boat launches shall not obstruct existing or proposed public access to and along the shoreline.

2. Boat launches shall retain native vegetation on either side of the launch and any access ramp to associated docks.
  3. Boat launches must be as narrow as feasible to launch the intended watercraft, and extend into the waterbody no more than necessary. The maximum boat launch width is 10 feet.
  4. Launch ramps shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available, with consideration for site-specific conditions and the particular needs of that use.
- E. The Town may add conditions to Shoreline Permits for new or expanded boating facilities to ensure they meet applicable health, safety and welfare requirements.

#### **6.4 Clearing and Grading**

- A. All fills shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes.
- B. 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 for the following activities:
1. Fill and/or excavation totaling fifty (50) cubic yards or more (Note: Quantities of fill and excavation are separately calculated and then added together, even if excavated material is used as fill on the same site).
  2. Clearing 750 square feet or more, as measured at the ground level.
  3. Adding 120 square feet or more of new impervious surface.
  4. Retaining wall/rockeries over four feet in height as measured from the bottom of the base rock or block.
  5. Any grading or paving of an area used for a stormwater facility.
  6. Connection, extension and/or modification of the public and/or private storm and surface water drainage system(s) including, but not limited to, detention and other runoff control facilities.,

All clearing and grading activities must adhere to the requirements of the Town's municipal code pertaining to land, clearing and grading.

- C. Clearing and grading activities may only be allowed when associated with a permitted shoreline development.

- D. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not developed must be stabilized with vegetation consistent with Section 5.6, Vegetation Management, within 6 months of project completion.

## **6.5 Dredging and Dredge Material Disposal**

- A. Dredging waterward of the OHWM for the primary purpose of obtaining fill or construction material is prohibited except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the OHWM. The project must be either associated with a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a Shoreline Conditional Use Permit, any other significant habitat enhancement project.
- B. The Town of Yarrow Point may impose limitations on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.
- C. In-water disposal operations are prohibited in the Town of Yarrow Point, except as identified in A. above. Material dredged in Yarrow Point must be disposed of at approved disposal sites per applicable requirements of Department of Natural Resources, the Department of Ecology, the Washington Department of Fish and Wildlife, and/or the U.S. Army Corps of Engineers.
- D. Dredging and dredge material disposal shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions. New development shall be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
- E. Dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins shall be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
- F. When dredging is permitted, the extent of dredging shall be the minimum necessary to accommodate the proposed use or maintain an existing use as described in A. and E. above, or to accomplish restoration of shoreline ecological functions.

## **6.6 Fill Waterward of the OHWM**

This section addresses fill waterward of the OHWM. Fill upland of the OHWM is regulated under Section 6.4, Clearing and Grading.



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

## 6.7 Private Moorage

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

### A. General Regulations

1. A moorage facility associated with a single-family residence may be permitted if it is designed and intended for access to watercraft and otherwise complies with this SMP, WAC 173-26, and RWC 90.58.
2. 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.
3. Proposed overwater structures that do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a Shoreline Variance.
4. All moorage facility dimensions shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.
5. No skirting is permitted on any new or replacement structure.
6. Vertical fenders or bumpers are allowed provided they are spaced at least 36 inches on center and do not extend more than 6 inches below the ordinary low lake level. Fenders and bumpers should only be located along those portions of a moorage facility where boats are moored, and waterward of 30 feet measured perpendicular from the OHWM.
7. 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.

8. Lighting shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety.
9. 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.
10. Moorage facilities 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.
11. Only one moorage facility per property shall be permitted. Joint-use facilities shall be encouraged. In cases of joint-use structures, the joint-use structure shall take the place of individual property structures.
12. In the following circumstances, a joint-use facility shall be required:
  - a. On lots subdivided after adoption of this SMP 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.
13. Joint-use facilities constructed per the requirement of A.12 above after adoption of this SMP may not be later removed and replaced with separate facilities for each of the residences. Joint-use structures constructed prior to adoption of this SMP may be removed and then replaced with individual structures.
14. All moorage structures shall be designed and located to meet the no net loss standard and mitigation sequencing.
15. 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.
16. Private moorage facilities may only be permitted as an accessory to residential development.

**B. Replacement of Existing Moorage Facility**

1. A pier 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. A replacement of an existing pier or dock shall meet the following requirements:

<b>Replacement Moorage Facility Element</b>	<b>Dimensional and Design Standards</b>
Maximum Area: surface coverage, including all floats, decking, ramps, platform lifts, ells and fingers (excluding translucent covered moorage approved through this SMP)	<ul style="list-style-type: none"> <li>No larger than existing pier or allowed under 6.7.E, whichever is greater</li> </ul>
Maximum Length	<ul style="list-style-type: none"> <li>Minimum necessary to reach adequate water depth for moorage of applicant's watercraft, not to exceed 150 ft</li> <li>26 ft. for ells, fingers and floats 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.</li> <li>Additional width up to two (2) feet may be allowed in the first 30 feet when it is the minimum necessary to develop consistent with ADA standards. Property owner must have a condition that qualifies for permanent state disabled accommodations. Documentation may include a disabled parking placard or other materials at the Shoreline Administrator's discretion.</li> <li>4 ft. for ramp connecting the facility to shore or connecting two components of the facility</li> <li>6 ft. for ells</li> <li>2 ft. for fingers</li> </ul>
Height	<ul style="list-style-type: none"> <li>Minimum of 1.5 ft. above OHWM to bottom of stringers on a fixed-pile structure</li> <li>Maximum of 4 ft. above OHWM for any over-water moorage structures</li> </ul>
Spacing	<ul style="list-style-type: none"> <li>Minimum of 10 feet from the side yard property line, except for joint-use structures</li> </ul>
Decking	<ul style="list-style-type: none"> <li>Fixed-pile moorage facilities 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 floating elements, grated decking shall be used in all areas that are not directly above the float tubs.</li> </ul>

<b>Replacement Moorage Facility Element</b>	<b>Dimensional and Design Standards</b>
Location of ells, fingers and deck platforms	<ul style="list-style-type: none"> <li>As far waterward as feasible, but no closer than 30 ft. waterward of the OHWM, measured perpendicular to the OHWM</li> <li>Within 30 ft. of the OHWM, only the moorage facility walkway or ramp is allowed</li> </ul>
Pilings	<ul style="list-style-type: none"> <li>First set of pilings 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 in-water and overwater structures located within 30 feet of the OHWM, except for the subject replacement facility walkway and existing legal shoreline stabilization measures, shall be removed or relocated.</li> <li>When the mitigation identified above is not applicable to the site or does not achieve no net loss of ecological functions, expanded replacement structures shall provide additional appropriate mitigation to ensure no net loss of ecological functions.</li> </ul>

2. The Town shall approve the following deviations from the dimensional standards 6.7.B.1 above for replacement facilities. The following requirements and all other applicable provisions of this Chapter shall be met.

<b>Administrative Approval for Alternative Design of Replacement Moorage Facility</b>	<b>Requirements</b>
State or 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.)

<b>Administrative Approval for Alternative Design of Replacement Moorage Facility</b>	<b>Requirements</b>
Maximum Size	<ul style="list-style-type: none"> <li>• 4 ft. for walkways within 30 feet waterward of the OHWM</li> <li>• 8 ft. for ells and float decking attached to a pier. For piers with no ells or fingers, the most waterward 26-ft. section of the walkway may be 8 ft. wide.</li> <li>• No larger than existing pier or allowed under 6.7.E, whichever is greater.</li> </ul>

3. An existing joint-use facility that is associated with residential development of two or more dwellings constructed prior to adoption of this SMP may be reconstructed as two replacement piers. Both replacement structures must comply with all dimensional and location standards listed in B.1 above. However, the two replacement structures must each be 480 square feet or no larger than half the size of the existing joint-use structure, whichever is larger.

C. Additions to Existing Moorage Facilities

1. Additions to existing moorage facilities may be permitted under the following circumstances:
  - a. When additional length is required to reach adequate water depth for moorage of the applicant's watercraft;
  - b. When a single-use structure is converted to a joint-use structure; 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 Moorage Facility</b>	<b>Dimensional and Design Standards</b>
Dimensional standards	Enlarged portions must comply with the new moorage facility standards for length and width, height, water depth, location, decking, pilings and materials as described in 6.7.E.
Decking	Must convert all decking within 30 ft. of the OHWM to grated decking. Grated or other materials must allow a minimum of 40% light transmittance through the material.
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</li> </ul>

<b>Addition to Existing Moorage Facility</b>	<b>Dimensional and Design Standards</b>
	<p>30 ft. of the OHWM, except for existing or authorized shoreline stabilization measures or the subject moorage facility walkways, shall be removed at a 1:1 ratio to the area of the addition.</p> <ul style="list-style-type: none"> <li>When the mitigation identified above is not applicable to the site or does not achieve no net loss of ecological functions, the applicant shall provide additional appropriate mitigation to ensure no net loss of ecological functions.</li> </ul>

D. Repair of Existing Moorage Facilities

- Repair proposals that replace more than 50 percent of the existing piles are considered replacement structures and must comply with requirements in regulation 6.7.B. Pile replacement does not include piles that are repaired through sleeving or splicing.
- Repair proposals that replace between 25 and 50 percent of the existing piles or replace over 50 percent of the decking or decking substructure must meet the standards specified below.

<b>Minor Repair of Existing Facility</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 more than 50 percent of the decking or more than 50 percent of decking substructure	Replace any solid decking surface located within 30 ft. of the OHWM with grating or other deck material that allows a minimum of 40% light transmittance through the material.

- 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.

E. New Moorage Facilities

- New moorage facilities shall be permitted, provided the following standards are applied:

<b>New Moorage Facility</b>	<b>Dimensional and Design Standards</b>
Maximum Area: surface	<ul style="list-style-type: none"> <li>480 sq. ft. for single-family use</li> </ul>

<b>New Moorage Facility</b>	<b>Dimensional and Design Standards</b>
coverage, including all floats, decking, ramps, platform lifts, ells and fingers (excluding translucent covered moorage approved through this SMP )	<ul style="list-style-type: none"> <li>• 700 sq. ft. for joint-use facility used by 2 residential property owners</li> <li>• 1,000 sq. ft. for joint-use facility used by 3 or more residential property owners</li> <li>• Where a moorage facility 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 length up to a maximum of 150 ft.</li> </ul>
Maximum Length	<ul style="list-style-type: none"> <li>• Minimum necessary for intended use, not to exceed 150 ft.</li> <li>• 26 ft. for ells</li> <li>• 20 ft. for fingers and floats</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.</li> <li>• Additional width up to two (2) feet may be allowed in the first 30 feet when it is the minimum necessary to develop consistent with ADA standards. Property owner must have a condition that qualifies for permanent state disabled accommodations. Documentation may include a disabled parking placard or other materials at the Shoreline Administrator's discretion.</li> <li>• 4 ft. for ramp connecting the facility to shore or connecting two components of the facility</li> <li>• 6 ft. for ells</li> <li>• 2 ft. for fingers</li> </ul>
Height	<ul style="list-style-type: none"> <li>• Minimum of 1.5 ft. above OHWM to bottom of stringers on a fixed-pile structure</li> <li>• Maximum of 4 ft. above OHWM for any over-water moorage structures</li> </ul>
Spacing	Minimum of 10 feet from the side yard property line, except for joint-use structures
Decking	<ul style="list-style-type: none"> <li>• Decking for over-water structures must be fully grated or contain other materials that allow a minimum of 40% light transmittance through the material.</li> <li>• For floating elements, grated decking shall be used in all areas that are not directly above the float tubs.</li> </ul>

<b>New Moorage Facility</b>	<b>Dimensional and Design Standards</b>
Location of ells, fingers and deck platforms	<ul style="list-style-type: none"> <li>• As far waterward as feasible, but no closer than 30 ft. waterward of the OHWM, measured perpendicular to the OHWM.</li> <li>• Within 30 ft. of the OHWM, only the walkway or ramp is allowed</li> </ul>
Pilings	<ul style="list-style-type: none"> <li>• First set of pilings 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 in-water and overwater structures located within 30 ft. of the OHWM, except for existing or authorized shoreline stabilization measures or the subject moorage facility walkways, shall be removed.</li> <li>• When the mitigation identified above is not applicable to the site or does not achieve no net loss of ecological functions, new or expanded structures shall provide additional appropriate mitigation to ensure no net loss of ecological functions.</li> </ul>

2. A new, joint-use moorage facility may be permitted on a community recreation lot shared by a number of waterfront and/or upland lots provided the applicant has demonstrated a need for moorage. These moorage facilities would be regulated under Section 6.3, Boating Facilities, if the facility serves more than four residences.

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

<b>Boatlifts, Platform Lifts, and Boat Canopy</b>	<b>Dimensional and Design Standards</b>
Location	<ul style="list-style-type: none"> <li>• Boatlifts, platform lifts, and covered moorage shall be placed as far waterward as possible and no less than 30 feet waterward of OHWM within the limits of the dimensional standards for moorage facilities.</li> <li>• Boatlifts, platform lifts, and covered moorage</li> </ul>



<b>Boatlifts, Platform Lifts, and Boat Canopy</b>	<b>Dimensional and Design Standards</b>
	shall be oriented with the length in the north-south direction to the maximum extent practicable.
Height	<ul style="list-style-type: none"> <li>• Bottom of a boatlift canopy or covered moorage shall be elevated to the maximum extent feasible, but not to exceed more than 7 ft. above the deck surface of an associated pier</li> </ul>
Maximum Number	<ul style="list-style-type: none"> <li>• Two (2) of any combination of the following per dwelling unit: free-standing or deck-mounted boatlift, and/or platform lift</li> <li>• Two (2) personal watercraft lifts.</li> <li>• In lieu of the two (2) boatlifts or platform lifts, four (4) personal watercraft lifts may be permitted.</li> <li>• Contiguous lots using shared/joint-use docks shall be allowed one (1) additional boat lift and one (1) additional personal watercraft lift or two (2) additional personal watercraft lifts in addition to the allowances noted above for an individual lot.</li> <li>• 1 boatlift canopy or moorage cover per residential lot</li> </ul>
Canopy/Moorage Cover Design	<ul style="list-style-type: none"> <li>• Boatlift canopies shall be made of light-permeable fabric materials.</li> <li>• Canopies may be a maximum of thirty (30) feet in length, fifteen (15) feet in width, and not to exceed more than seven (7) feet above the moorage facility.</li> <li>• Moorage covers shall be constructed of light-permeable materials</li> <li>• Moorage covers may be a maximum of thirty (30) feet in length, twenty (20) feet in width, and not to exceed more than seven (7) feet above the moorage facility.</li> </ul>
Platform Lift Materials and Area	<ul style="list-style-type: none"> <li>• Any platform lifts shall be fully grated using material that allows a minimum of 40% light transmittance.</li> <li>• Platform lifts may be no larger than eight (8) feet x twelve (12) feet.</li> </ul>

<b>Boatlifts, Platform Lifts, and Boat Canopy</b>	<b>Dimensional and Design Standards</b>
Mitigation	<ul style="list-style-type: none"> <li>• Any existing in-water and overwater structures located within 30 ft. of the OHWM shall be removed, except for one existing or authorized moorage facility and existing or authorized shoreline stabilization measures.</li> <li>• When the mitigation identified above is not applicable to the site or does not achieve no net loss of ecological functions, the applicant must provide additional mitigation to achieve no net loss of ecological functions</li> </ul>

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 permanent recreational float shall have more than one hundred (100) square feet when associated with a single-family residence. Permanent recreational floats are included in the maximum overwater coverage allowed under Section 6.7.E above. Temporary, inflatable recreational floats in use during the summer months may be up to 150 square feet, and are not counted toward the maximum overwater cover.
3. In addition, the landward end of recreational floats shall be in water with depths of 10 feet or more unless depths do not allow, in which case floats shall be no closer than 30 feet from OHWM. Floats 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. Retrieval lines shall not float at or near the surface of the water.
5. The floats must be built so that the deck surface is at least one (1) foot above the water's surface and they must have reflectors for nighttime visibility.
6. All float tubs shall be fully encapsulated.

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

1. A 10-foot side setback is observed;
2. The pile is less than 6 feet above the OHWM.

3. Pile materials are consistent with material requirements in 6.7.A.
  4. Moorage piles shall be located no closer than 30 feet from the OHWM or any farther waterward than the end of the pier or dock.
  5. A maximum of two (2) moorage piles shall be permitted at moorage facilities serving a single-family residence, including existing moorage piles. A maximum of four (4) moorage piles shall be permitted for joint use facilities, including existing moorage piles.
  6. Piles shall be located as far offshore as possible and no less than 30 feet waterward of OHWM.
- I. Maintenance and Monitoring. For any mitigation proposal that includes installation of vegetation to achieve no net loss of ecological functions, a five-year vegetation maintenance and monitoring plan shall be prepared. The monitoring plan shall include the following performance standards:
1. Preparation of as-built drawings after installation of the mitigation plantings;
  2. Annual monitoring reports for five years that include written and photographic documentation on tree and shrub mortality, subject to the following success criteria: one hundred (100) percent survival of all planted native trees and shrubs during the first two (2) years after planting; and one hundred (100) percent survival of trees and eighty (80) percent survival of remaining native plants in years three (3) through five (5).

Copies or reports that are submitted to state or federal agencies in compliance with permit approvals may be submitted in lieu of a separate report to the Town, provided the reports address a five-year maintenance and monitoring plan.

## **6.8 Recreational Development**

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

- E. The construction of swimming facilities, piers, moorages, launches, and floats waterward of the OHWM shall be governed by the regulations relating to Boating Facilities in Section 6.3 of this Shoreline Master Program.

## **6.9 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. View and vistas shall be regulated by residential height restrictions and setbacks, as established by Table 6.2 of this SMP.
- C. Total impervious areas within the shoreline setback area shall be limited to 15 percent of the required setback area, with no new impervious surfaces installed in the first 15 feet landward of the OHWM, for any permitted appurtenant structures. Pathways providing access to the shoreline are permitted and shall utilize pervious materials. The 15 percent limit in the shoreline setback applies to the total lot impervious surface area limit of 60 percent.
- D. Single-family residences that are re-constructed waterward of their original condition may do so upland of 75 feet from the OHWM without providing additional mitigation other than what may be required for specific adverse vegetation impacts as outlined in Section 5.6 of this SMP.
- E. Single-family residences that are re-constructed waterward of their original condition at the time of adoption of this SMP between the required setback and 75 feet upland of the OHWM must provide additional vegetation in the first 15 feet waterward of the OHWM at a ratio of 1 square foot of vegetation for every 10 square feet of encroachment into the area between 50 and 75 feet upland of OHWM. This planting requirement would be in addition to what may be required for specific adverse vegetation impacts as outlined in Section 5.6 of this SMP.
- F. Single-family residences that are re-constructed upland of their original condition at the time of adoption of this SMP may do so without providing additional mitigation other than what may be required for specific adverse vegetation impacts as outlined in Section 5.6 of this SMP.
- G. Subdivisions and plats. Subdivisions and plats shall:
  - 1. Comply with all applicable subdivision, critical area, and zoning regulations in this Master Program or Town code as applicable.
  - 2. Include facilities for water supply, wastewater, stormwater, solid waste, access, utilities and other support facilities in conformance with Town standards and which do not result in harmful effects on the shoreline or waters.

3. Be designed using geotechnical analysis of the site and shoreline characteristics to prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.
4. Be designed, configured and developed in a manner that assures that no net loss of ecological functions results from division of land at full build-out of all lots and throughout all phases of development.

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

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

## **6.11 Shoreline Stabilization**

### **6.11.1 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, including riparian vegetation.
- B. 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. 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.

### **6.11.2 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.

### **6.11.3 Bulkhead Regulations**

- A. New or Enlarged Structural Stabilization (Bulkhead)
  - 1. Submittals for new or enlarged, including additions to or increases in size of, hard and soft structural stabilization shall include a Geotechnical Report, consistent with the definition provided in Appendix A of this SMP, prepared by a qualified professional with an engineering degree. The report shall include the following:
    - a. An assessment of the necessity for structural stabilization by estimating time frames and rates of erosion and documenting the urgency associated with the specific situation.
    - b. An assessment of the cause of erosion, including on-site drainage issues, looking at processes occurring both waterward and landward of the OHWM.
    - c. An assessment of the feasibility of using nonstructural or soft shoreline stabilization measures in lieu of hard structural shoreline stabilization measures.
    - d. For both hard and soft structural shoreline stabilization measures, design recommendations for minimizing the sizing of shoreline stabilization materials, including gravel and cobble beach substrates necessary to dissipate wave energy, eliminate scour, and provide long-term shoreline stability.

2. The Town may permit new or enlarged bulkheads to protect an existing primary structure if a geotechnical analysis provides conclusive evidence that the primary structure is in danger from shoreline erosion caused by waves, and either:
  - a. There is a significant possibility that such a 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 primary 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.
3. Any on-site drainage issues shall be directed away from the shoreline edge prior to considering structural stabilization.
4. Nonstructural measures, such as planting vegetation or installing on-site drainage improvements, shall be explored and must be shown to be infeasible or insufficient to protect the primary structure.
5. A bulkhead for a new single-family residence shall only be considered if all of the following conditions apply:
  - a. Placing the new primary structure farther upland from the OHWM is not feasible or not sufficient to prevent damage to the primary structure;
  - b. Upland conditions, such as drainage problems and the loss of vegetation, are not causing the erosion;
  - c. Nonstructural measures, planting vegetation, or installing on-site drainage improvements are shown not to be feasible or sufficient to prevent damage to the primary structure; and
  - d. The need to protect the new primary structures from potential damage is due to erosion from wave action. In all cases, a geotechnical report must be submitted demonstrating need.

**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 alteration of more than 50 percent by length of the existing hard structural shoreline stabilization measure's bottom course of rock or footings; or
- b. 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 alteration 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.

Note: if the replacement stabilization is larger than the existing stabilization, the replacement will be regulated under 6.11.3.A above.

2. The Town may 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, including detached accessory dwelling units, provided there is a demonstration of need presented to the Town that the structure is in danger from shoreline erosion caused by waves.
3. Submittal for replacement or major repairs of hard structural stabilization shall include a written narrative that provides a demonstration of need. A qualified professional (e.g., shoreline designer or other consultant familiar with lakeshore processes and shore stabilization), but not necessarily a licensed geotechnical engineer, shall prepare a written narrative consisting of the following:
  - a. An assessment of the necessity for hard or soft structural stabilization, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch, and location of the nearest structure.
  - b. An assessment of erosion potential resulting from the action of waves or other natural processes operating at or waterward of the OHWM in the absence of the hard or soft structural shoreline stabilization.
  - c. An assessment of the feasibility of using soft structural stabilization measures in lieu of hard structural shoreline stabilization measures. Soft stabilization may include the use of gravels, cobbles, boulders, and logs, as well as vegetation.
  - d. 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.



- C. Minor Repairs of Hard Shoreline Stabilization. Minor repairs include those maintenance and repair activities not otherwise addressed in 6.11.3.B above. The Town shall allow minor repair activities to existing hard structural shoreline stabilization measures after application of mitigation sequencing.
- D. Repair or Replacement of Soft Shoreline Stabilization
1. Repair or replacement of soft shoreline stabilization measures shall be permitted.
  2. The applicant shall apply mitigation sequencing and ensure 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. All shoreline stabilization shall be the minimum size necessary.
  2. 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.
  3. 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.
  4. 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, stabilization of exposed soils following construction, and compliance with Section 5.6 of this SMP to address any specific adverse vegetation impacts.
  5. 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; and 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.

6. 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 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 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 1 tree per 33 linear feet of shoreline and 60% shrubs by area at maturity 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.
    - iv. Native plant materials shall be chosen from the list in Appendix E or otherwise approved by the Shoreline Administrator.
    - v. An alternative planting plan or mitigation measure in lieu of meeting this section shall be allowed if approved by other state and federal agencies.
7. 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.
8. Hard and soft stabilization measures are allowed to have gravel, vegetation, 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.

9. Stairs or other water access measures may be incorporated into the shoreline stabilization, but shall not extend waterward of the shoreline stabilization measure.
  10. 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. Specific Design Standards for Replacement of Hard Structural Stabilization. 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 a shoreline restoration project, including shoreline stabilization improvements that are not mitigation, intended to improve ecological functions results in shifting the OHWM landward of the pre-modification location that expands the shoreline jurisdiction onto any property other than the subject property, then shoreline regulations shall not apply to such affected property. Shoreline setbacks shall be measured from the pre-modification OHWM for those shoreline stabilization projects that improve ecological functions. 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. For example, the Town's 30% maximum structure size based on lot square footage shall not be reduced as a result of these activities.
  - J. General Submittal Requirements for New, Enlarged, Replacement and Major Repair Measures. Detailed construction plans shall be submitted to the Town, including the following:
    1. Plan and cross-section views of the existing and proposed shoreline configuration, showing accurate existing and proposed topography and OHWM.
    2. Detailed construction sequence and specifications for all materials, including gravels, cobbles, boulders, logs, and vegetation. The sizing and placement of all materials shall be selected to accomplish the following objectives: Protect the property and structures from erosion and other damage over the long term, and accommodate the normal amount of alteration from wind- and boat- driven waves; allow safe passage and migration of fish and wildlife; and minimize or eliminate juvenile salmon predator habitat.
    3. For hard structural stabilization measures when shoreline vegetation is required as part of mitigation, a detailed 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).

Copies or reports that are submitted to state or federal agencies in compliance with permit approvals may be submitted in lieu of a separate report to the Town, provided the reports address a five-year maintenance and monitoring plan.

## **6.12 Transportation and Parking Facilities**

- A. New road construction and expansion of existing roadways are subject to the Shoreline Conditional Use Permit process.
- B. Joint use of transportation corridors within shoreline jurisdiction for roads, utilities and motorized and nonmotorized forms of transportation are encouraged.
- C. 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.
- D. 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.
- E. Float plane facilities shall conform to all applicable Town codes and Federal Aviation Administration standards and requirements for fuel, oil spills, safety and firefighting equipment, noise, and vehicle and pedestrian and swimmer separation.
- F. Heliport facilities are prohibited.
- G. Parking in shoreline areas should be minimized should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, and vegetation and habitat maintenance.
- H. Parking in shoreline areas must directly serve a permitted shoreline use. Parking as a primary use is prohibited.

## **6.13 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 the shoreline jurisdiction.
- E. Solid waste disposal sites are prohibited within the 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.