

Town of Beaux Arts Village Shoreline Master Program

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NOTE: As requested by the Planning Commission, shaded sections represent requirements found in the Washington Administrative Code (WAC). In addition, commentary is provided explaining Planning Commission rationale for certain language.

CHAPTER 1: INTRODUCTION

1.1 How the Beaux Arts Shoreline Master Program is Used

The Beaux Arts 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 Beaux Arts, all development proposals within the shoreline jurisdiction are evaluated for compliance with the Program. Some developments may be exempt from regulation, while others may need to stay within established guidelines, or may require a conditional use permit or variance; however, all proposals must comply with the policies and regulations established by the State of Washington Shoreline Management Act (SMA) as expressed through the Beaux Arts Program.

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

Persons proposing any projects within shoreline jurisdiction are required to consult with the Town's Shoreline Master Program Administrator (the Town Clerk or his/her designee) to determine how the proposal is addressed in the Master Program. The Town's Shoreline Administrator provides assistance in identifying whether a proposal is exempt from the permit process (Shoreline Exemption Permit) or whether the permit application process is applicable (Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, and/or Shoreline Variance). Requests for Shoreline Substantial Development Permits, Shoreline Variances, Conditional Use Permits, and some Exemption Permits are decided by the Town Council through an open record Public Hearing. Ecology provides technical assistance to local governments with implementation of SMPs. Ecology receives Shoreline Substantial Development Permits and has a review, approval/denial role with Shoreline Conditional Use Permits and Shoreline Variances.

A description of exempt projects, shoreline application procedures and criteria are discussed in *Chapter 2: Administration*.

1.2 Organization of this Shoreline Master Program

The Beaux Arts Shoreline Master Program is divided into seven Chapters:

Chapter 1: Introduction provides information regarding the development of the Shoreline Master Program in Beaux Arts and a general discussion of when and how the Shoreline Master Program is used.

Chapter 2: Administration provides the system by which the Beaux Arts Shoreline Master Program will be administered, and provides specific information on the application process and

criteria used in evaluating requests for shoreline substantial development permits, conditional use permits, and variances.

Chapter 3: Shoreline Management Goals and Policies lists the general goals and policies which guide the more detailed policies and regulations found in the individual section of the Beaux Arts Shoreline Master Program.

Chapter 4: Shoreline Environment Description and Designations defines and maps the shoreline jurisdiction and the environment designations of all the shorelines of the state in the Town of Beaux Arts. Policies and regulations specific to the three designated shoreline environments (Shoreline Residential, Urban Conservancy, and Aquatic) are detailed in this chapter.

Chapter 5: General Regulations sets forth the policies and regulations that apply to all uses, developments, and activities in the shoreline area of Beaux Arts.

Chapter 6: Specific Shoreline Use Policies and Regulations sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas.

Chapter 7: Shoreline Modification Activity Regulations provides policies and regulations for those activities that modify the physical configuration or qualities of the shoreline area.

1.3 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. Where conflicts exist between regulations, those that provide more substantive protection to the shoreline area shall apply. In Beaux Arts, other plans and policy documents that must be considered include, but are not limited to, the Beaux Arts Comprehensive Plan, the Beaux Arts Zoning Code, and the Department of Ecology Stormwater Design Manual.

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 E 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.¹ (RCW 36.70A.480)

¹ 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.

FOR MORE INFORMATION ABOUT THE UPDATE OF THIS SHORELINE MASTER PROGRAM, SEE APPENDIX A.

CHAPTER 2: ADMINISTRATION

2.1 Introduction

There is hereby established an administrative system designed to assign responsibilities for implementation of the Master Program and shoreline permit review, to prescribe an orderly process by which to review proposals and permit applications, and to ensure that all persons affected by this Master Program are treated in a fair and equitable manner.

2.2 Shoreline Administrator

The Beaux Arts Clerk/Treasurer, or his/her designee, (the “Shoreline Administrator”) is vested with the overall responsibility for administering the Shoreline Management Act and this Shoreline Master Program. The Shoreline Administrator has the authority to approve, approve with conditions, or deny shoreline permit revisions in accordance with the policies and provisions of this Master Program and with the authority to grant certain Exemptions from Shoreline Substantial Development Permits in accordance with the policies and provisions of this Master Program as outlined in Table 2.1.

The duties and responsibilities of the Shoreline Administrator shall include:

- Preparing and using application forms deemed essential for the administration of this Master Program.
- Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this Master Program.
- Making administrative decisions and interpretations of the policies and regulations of this Master Program and the Shoreline Management Act.
- Collecting applicable fees, as established by the Town.
- Determining that all applications and necessary information and materials are provided.
- Conducting field inspections, as necessary.
- Reviewing, insofar as possible, all provided and related information deemed necessary for appropriate applications needs.
- Determining if a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit or Shoreline Variance permit is required.
- Providing copies of permit applications to relevant staff and agencies for review and comment.
- Conducting a thorough review and analysis of Shoreline Exemption applications;
- Submitting Shoreline Variance, Shoreline Conditional Use and Shoreline Substantial Development Permit applications and written recommendations and findings on such permits to the Town Council for consideration and action.
- Assuring that proper notice is given to appropriate persons and the public for all hearings.

- Providing technical and administrative assistance to the Town Council as required for effective and equitable implementation of this program and the Act.
- Investigating, developing, and proposing amendments to this Master Program as deemed necessary to more effectively and equitably achieve its goals and policies.
- Seeking remedies for alleged violations of this program, the provisions of the Act and this Master Program, or of conditions of any approved shoreline permit issued by the Town of Beaux Arts Village.
- Acting as the primary liaison between local and state agencies in the administration of the Shoreline Management Act and this Master Program.
- Forwarding shoreline permits to the Department of Ecology for filing or action.

2.3 Administration – General Standards

Unless otherwise stated, this Master Program shall be administered according to the standards and criteria in RCW 90.58 and WAC 173-27.

2.4 Shoreline Permit or Exemption General Process

2.4.1 Shoreline Permit Process

Any person(s) who wishes to conduct substantial development within the geographical jurisdiction of this Master Program shall apply to the Town of Beaux Arts Village through the Administrator for a shoreline permit. A Shoreline Permit or Shoreline Exemption is considered the last local governmental approval prior to application for and issuance of a building permit by the Town of Beaux Arts. If a proposal involves state or federal governmental approvals, these approvals shall be in place prior to the Town’s issuance of a building and/or a clearing and grading permit.

Table 2.1 Permit Process

Type of Shoreline Permit or Shoreline Related Action	Decision Type	Decision Maker	Decision Timeframe	Appeal Authority
EXEMPTION for repair and replacement, provided the footprint does not change in any way.	Administrative	Shoreline Administrator	Not to exceed 120 days, unless additional information is required.	Town Council, then Growth Management Hearings Board
EXEMPTION for any exempt project where there is any change to the	Quasi-Judicial	Town Council	Not to exceed 120 days, unless additional information is required.	Growth Management Hearings Board

Type of Shoreline Permit or Shoreline Related Action	Decision Type	Decision Maker	Decision Timeframe	Appeal Authority
project footprint.				
SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT (SDP)	Quasi-Judicial	Town Council	Not to exceed 120 days, unless additional information is required.	Growth Management Hearings Board
SHORELINE VARIANCE PERMIT	Quasi-Judicial	Town Council	Not to exceed 120 days, unless additional information is required.	Growth Management Hearings Board
SHORELINE CONDITIONAL USE PERMIT	Quasi-Judicial	Town Council	Not to exceed 120 days, unless additional information is required.	Growth Management Hearings Board

2.4.2 Permit Application

A completed application and documents for all Shoreline Permits and Shoreline Exemptions in accordance with WAC 173-27-180 shall be submitted to the Shoreline Administrator for processing and review. Any deficiencies in the application or documents shall be corrected by the applicant prior to further processing. Application fees in an amount established by the Beaux Arts Fees Resolution shall be collected at the time of application.

The burden of proof that a proposed development is consistent with the approval criteria and Master Program policies and regulations rests with the applicant.

2.4.3 Town Council Review

The Beaux Arts Town Council shall conduct a Public Hearing in order to make the final decision at the local level for Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances. In addition, the Council shall conduct a Public Hearing for any project exempt from a Shoreline Substantial Development Permit if there is any change to the project footprint. Such applications may be approved, approved with conditions, or denied.

The decision of the Town Council shall be the final decision of the Town of Beaux Arts Village on all applications heard before them, unless appealed. The Council shall render a written decision including findings, conclusions, and a final order, and transmit copies of the decision within ten (10) working days of the final decision to the following: the Applicant, the

Washington State Department of Ecology, the Washington State Attorney General, parties of record, and appellants.

2.4.4 Public Hearings

A public hearing shall be scheduled for each application for a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance; and Shoreline Exemption when the project involves a change to the project footprint. The hearing shall be set for a regularly scheduled Town Council meeting following submittal of a complete application and allowing for the thirty (30) day mandatory Notice of Application. The minimum allowable time required from the date of complete application to the Public Hearing shall be sixty (60) days. Any interested person may submit his or her written views upon the application to the Town within the thirty (30) day notification period, may request to be notified of the decision, or may participate in the Public Hearing by providing testimony.

2.4.5 Washington State Department of Ecology Review

Following Town Council approval of a Shoreline Conditional Use or Shoreline Variance Permit, the Town shall submit the permit to the Department of Ecology for Ecology's approval, approval with conditions, or denial. Ecology shall render and transmit to the Town and the applicant its final decision approving, approving with conditions, or disapproving the permit within thirty (30) days of the date of submittal by the Town pursuant to WAC 173-27-110.

The Town shall provide timely notification of the Department of Ecology's final decision to those interested persons having requested notification from the Town pursuant to WAC 173-27-130.

2.4.6 Revisions to Permits

A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the Master Program or the policies and provisions of chapter 90.58 RCW. Changes that are not substantive in effect do not require approval of a revision.

- A. When an applicant seeks to revise a Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance Permit, the Shoreline Administrator shall request from the applicant detailed plans and text describing the proposed changes.
- B. If the Shoreline Administrator determines that the proposed changes are within the scope and intent of the original permit, and are consistent with this Master Program and the Act, the Shoreline Administrator may approve a revision.
- C. "Within the scope and intent of the original permit" means the following:

1. No additional over water construction is involved except that pier, dock, or float construction may be increased by ten percent from the provisions of the original permit.
 2. Ground area coverage may be increased a maximum of ten percent from the provisions of the original permit.
 3. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of this Master Program except as authorized under a Shoreline Variance granted as the original permit or a part thereof.
 4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with this Master Program.
 5. The use authorized pursuant to the original permit is not changed.
 6. No adverse environmental impact will be caused by the project revision.
- D. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW and this Shoreline Master Program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection (c) of this section, the Town shall require that the applicant apply for a new permit.
- E. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section, shall be filed with Ecology. In addition, the Shoreline Administrator shall notify parties of record of their action.
- F. If the revision to the original permit involves a conditional use or variance, the Shoreline Administrator shall submit the revision to Ecology for Ecology's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. Ecology shall render and transmit to the Shoreline Administrator and the applicant its final decision within fifteen (15) days of the date of Ecology's receipt of the submittal from the Shoreline Administrator. The Shoreline Administrator shall notify parties of record of Ecology's final decision.
- G. The revised permit is effective immediately upon final decision by the Shoreline Administrator or, when appropriate under subsection F of this section, upon final action by Ecology.

- H. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one (21) days from the date of receipt of the Shoreline Administrator's action by Ecology or, when appropriate under subsection (e) of this section, the date Ecology's final decision is transmitted to the Shoreline Administrator and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (c) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

2.4.7 Appeals

- A. Appeals of the final decision of the Town with regard to shoreline management shall be governed by the provisions of RCW 90.58.180.
- B. Appeals to the Shorelines Hearings Board of a decision on a Shoreline Substantial Development Permit, Shoreline Variance or Shoreline Conditional Use Permit may be filed by the applicant/property owner or any aggrieved party pursuant to RCW 90.58.180.
- C. The effective date of the Town's decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140.

2.5 Shoreline Substantial Development Permits

- A. Substantial development as defined by RCW 90.58.030 shall not be undertaken by any person on the shorelines of the state without first obtaining a Shoreline Substantial Development Permit from the Town of Beaux Arts Village, unless the use or development is specifically identified as exempt from a Shoreline Substantial Development Permit per RCW 90.58 or by WAC 173-27.
- B. The Town may grant a Shoreline Substantial Development Permit only when the development proposed is consistent with the policies and procedures of RCW.90.58; the provisions of WAC 173-27; and this Program.

2.6 Exemptions from Shoreline Substantial Development Permits

- A. Uses and developments that are not considered substantial developments pursuant to RCW 90.58 and WAC 173-27 shall not require a Shoreline Substantial Development Permit, but shall conform to the policies and regulations of this Program.
- A. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.

- B. An exemption from the Shoreline Substantial Development Permit process is not an exemption from compliance with the Shoreline Management Act or this Shoreline Master Program, nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this Shoreline Master Program and the Shoreline Management Act. A development or use that is listed as a conditional use pursuant to this Shoreline Master Program 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. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this Shoreline Master Program, such development or use can only be authorized by approval of a Shoreline Variance.
- C. The burden of proof that a development or use is exempt from the permit process is on the applicant.
- D. If any part of a proposed development is not eligible for exemption, then a Shoreline Substantial Development Permit is required for the entire proposed development project.
- E. The Town's Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this Shoreline Master Program.
- F. Before determining that a proposal is exempt, the Town's Shoreline Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with this Shoreline Master Program and the Shoreline Management Act.
- G. Before determining that a proposal is exempt, the Town's Shoreline Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with the Master Program and the Shoreline Management Act.
- H. Following review and approval, the Town's Shoreline Administrator shall issue a Letter of Exemption for each proposal exempt from a Shoreline Substantial Development Permit.

2.7 Shoreline Variances

- A. The Town is authorized to grant a variance from the performance standards of this Program only when all of the criteria enumerated in WAC 173-27-170 are met.
- B. The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this Program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this Program would impose unnecessary hardships on the applicant/property owner or thwart the policies set forth in RCW 90.58.020.

- C. Shoreline Variance Permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
- D. The burden of proving that a proposed variance meets the criteria in WAC 173-27-170 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.
- E. In the granting of all variances, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of RCW 90.58.020 and should not produce significant adverse effects to the shoreline ecological functions or other users.
- F. A variance from Town development code requirements shall not be construed to mean a shoreline variance from SMP use regulations and vice versa.
- G. Variances may not be used to permit a use or development that is specifically prohibited.

2.8 Shoreline Conditional Use Permit

- A. The Town is authorized to issue Shoreline Conditional Use Permits only when all the criteria enumerated in WAC 173-27-160 are met.
- B. The burden of proving that a proposed shoreline conditional use meets the criteria in WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.
- C. The Town is authorized to impose conditions and standards to enable a proposed shoreline conditional use to satisfy the conditional use criteria.

2.9 Nonconforming Use and Development Standards

"Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or this Master Program, or amendments thereto, but which does not conform to present regulations or standards of this Master Program. In such cases, the following standards shall apply:

- A. Structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon

or extending into areas where construction or use would not be allowed for new development or uses;

- B. A nonconforming structure which is destroyed by fire or other act of nature (or accident) may be rebuilt to the same or smaller configuration existing immediately prior to the time the structure was destroyed, provided the replacement structure does not warrant new shoreline armoring and that an application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance, unless an extension for just cause is granted.
- C. Uses and developments that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances upon approval of a Shoreline Conditional Use Permit.
- D. A use which is listed as a conditional use, but which existed prior to adoption of the Master Program or any relevant amendment and for which a conditional use permit has not been obtained, shall be considered a nonconforming use. A use which is listed as a conditional use, but which existed prior to the applicability of the Master Program to the site and for which a Shoreline Conditional Use Permit has not been obtained, shall be considered a nonconforming use.
- E. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.
- F. A structure which is being or has been used for a nonconforming use may not be used for a different nonconforming use.
- G. If a nonconforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two (2)-year period, the nonconforming rights shall expire and any subsequent use shall be conforming.
- H. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established prior to the effective date of the Act or the Master Program, but which does not conform to the present lot size standards, may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the Master Program and the Act.

2.10 Initiation of Development

Development pursuant to a Shoreline Substantial Development Permit, Shoreline Variance, or Shoreline Conditional Use Permit shall not begin and shall not be authorized until twenty-one (21) days after the “date of filing” or until all appeal proceedings before the Shorelines Hearings Board have terminated.

2.11 Enforcement and Penalties

The choice of enforcement action and the severity of any penalty shall be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, benefits that accrue to the violator, and the cost of obtaining compliance may also be considered.

2.11.1 Enforcement

The Shoreline Administrator is authorized to enforce the provisions of this Program, including any rules and regulations promulgated thereunder, pursuant to the enforcement provisions of WAC 173-27.

2.11.2 Penalty

Any person found to have willfully engaged in activities on the Town's shorelines in violation of the Shoreline Management Act of 1971 or in violation of the Town's Master Program, rules or regulations adopted pursuant thereto, is guilty of a gross misdemeanor, and shall be subject to the penalty provisions of any applicable Beaux Arts Ordinance or Code (civil citation penalties and criminal penalties).

2.11.3 Violator's Liability

Any person subject to the regulatory program of the Master Program who violates any provision of the Master Program or permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The Attorney General or Beaux Arts Town Attorney shall bring suit for damages under this section on behalf of the Town government. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorneys' fees and costs of the suit to the prevailing party.

CHAPTER 3: SHORELINE MANAGEMENT GOALS AND POLICIES

3.1 Introduction

This section contains goals and policies that form the foundation of the Town of Beaux Arts Village Shoreline Master Program and apply to all areas and all designated shoreline environments. The Shoreline Management Act requires jurisdictions to adopt goals, or “elements,” to guide and support major shoreline management issues. The elements required by RCW 90.58.100 (2), when appropriate, include:

Shoreline Use – “A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;” (Section 3.2)

Economic Development - “An element for the location and design of industries, projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;” This is not applicable within Beaux Arts as there are no lands designated for commercial purposes; this element is excluded.

Public Access – “An element making provision for public access to publicly owned areas;” This is not applicable within Beaux Arts as there are is no current or potential publicly owned areas;this element is excluded.

Recreational Use – “An element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;” (Section 3.3)

Circulation/Utility – “An element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;” (Section 3.4)

Conservation – “An element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;” (Section 3.5)

Historic, cultural, scientific, and education – “An element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;” (Section 3.6)

Flood Control – “An element that gives consideration to the statewide interest in the prevention and minimization of flood damages.” This is not applicable within Beaux Arts as the Town is not located within a flood hazard zone; this element is excluded.

Restoration – An element to implement shoreline restoration projects. (Section 4.8)

Beaux Arts adopted its first Shoreline Master Program with Ordinance 89 and stated “the policy of this Town is to preserve, to protect, and to maintain the existing recreational element, and environment of the shorelines and its esthetic and natural amenities.” That policy is hereby reiterated.

3.2 Shoreline Use Element

Goal 3.2.1: Maintain the waterfront area of Beaux Arts as a recreational property. Upland areas shall continue to be appropriate for residential development.

Policy 3.2.1: All activities, development and redevelopment within the Town’s shoreline jurisdiction shall be designed to ensure public safety and achieve *no net loss of shoreline ecological functions* and shoreline land area.

3.3 Recreational Element

Goal 3.3.1: Encourage water-oriented recreational opportunities within the WABA property, while protecting the integrity and character of the shoreline.

Policy 3.3.1 Maintain and improve recreational uses on the WABA property for the benefit of Town residents.

3.4 Circulation/Utility Element

Goal 3.4.1: The Town-owned water wells and conveyance system shall continue to provide potable water to residents of the Town.

Policy 3.4.1: Continue to maintain the Town’s water system through required water quality testing and preparation of mandated reports.

Goal 3.4.2: Private roads and parking areas shall continue to be maintained.

Policy 3.4.2: Private WABA access roads and parking areas are permitted within shoreline jurisdiction.

3.5 Conservation Element

Goal 3.5.1: Preserve and protect those features necessary for the support of terrestrial and aquatic life and the fragile shoreline area.

Policy 3.5.2: All future development and maintenance activities shall achieve the State requirement of *no net loss of shoreline ecological function*.

3.6 Historic, Cultural, Scientific, and Educational Element

Goal 3.6.1: Identify, protect, preserve, and restore archaeological, historical, and cultural sites located within the shoreline jurisdiction.

Policy 3.6.1: Encourage educational projects and programs that foster a greater appreciation for the importance of shoreline management, environmental conservation, and restoration of ecological functions.

3.7 Restoration Element

Goal 3.7.1: Shoreline areas with impaired ecological function should be improved over time.

Policy 3.7.1: The Town should support the Shoreline Restoration Plan attached as Appendix C.

CHAPTER 4: SHORELINE ENVIRONMENT DESCRIPTION AND DESIGNATIONS

4.1 Introduction

This section defines shoreline jurisdiction and the particular shoreline environments within the Town of Beaux Arts Village. Shoreline jurisdiction in the Town of Beaux Arts Village consists of the waters of Lake Washington and upland area extending 200 feet landward of the OHWM.

The Town's environment designation map is included in Appendix D. The Shoreline Administrator is responsible for keeping and maintaining the Town's official copy of the Shoreline Environment map.

4.2 Shoreline Residential Environment

4.2.1 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. The areas identified as Shoreline Residential within the Town are lands designated for residential development in the Town's Comprehensive Plan. These lots are located approximately 150 feet to the east of the WABA property, and are of such size that they may not be divided into additional lots.

4.2.2 Management Policies

- A. Residences and accessory structures shall be located, sited, designed and maintained to protect, enhance and be compatible with the shoreline environment.
- B. *Low impact development* (LID) techniques, such as minimizing impervious surfaces,

infiltration of run-off, use of pervious pavers, and other techniques, shall be encouraged. The Town should encourage private property owners to use environmentally friendly landscaping practices and provide information and other assistance.

- C. Access, utilities, and public services shall be available and adequate to serve existing needs and/or planned future development.

4.3 Urban Conservancy Environment

4.3.1 Purpose

The WABA recreational property along the Lake Washington shoreline has been designated as Urban Conservancy. The purpose of this designation is to protect and restore ecological functions in urban and developed settings, while allowing a variety of water-oriented and low-impact uses. The WABA property has been designated as Open Space in the Town's Comprehensive Plan.

4.3.2 Management Policies

- A. In regulating uses in the Urban Conservancy shoreline environment, first priority shall be given to water-oriented uses that support ecological conservation and restoration.
- B. Community access and community recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
- C. *Best management practices* (BMPs) shall be encouraged to maintain shoreline ecological functions.
- D. *LID* techniques, as well as *BMPs*, shall be encouraged to avoid or reduce the impact of impervious surfaces. Examples of such practices include permeable pavement for replacement parking areas, infiltration of run-off, use of pervious pavers, and environmentally friendly landscaping practices.

4.4 Aquatic Environment

4.4.1 Purpose

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

4.4.2 Management Policies

- A. Allow new over-water structures only for water-dependent uses, community access, or ecological restoration.

- B. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
- C. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities should be encouraged.
- D. All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- E. Shoreline uses and modifications shall be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

CHAPTER 5: GENERAL REGULATIONS

5.1 Introduction

Based upon the goals established in this Master Program, the following general policies and regulations apply to all uses, developments, and activities in the shoreline area of Beaux Arts.

5.2 General Regulations

- A. 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, Shoreline Environment Designation provisions (including the environment designation map), General Regulations, and Shoreline Use and Modification Policies and Regulations.
- B. All shoreline development shall be designed in accordance with codes and regulations promulgated by and shall obtain all necessary permits from all applicable federal, state and local management agencies, including those administered or required by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, the U.S. Department of Agriculture, the State Department of Fish and Wildlife, the State Department of Ecology, or the State Department of Agriculture, and the Town of Beaux Arts Village. In particular, developments shall comply with the State Environmental Policy Act and the Town's zoning and other development 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.
- C. 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.

D. In order to ensure achievement of *no net loss of ecological functions*, applicants shall demonstrate all reasonable efforts have been taken to avoid, minimize and then mitigate potential adverse impacts to ecological function resulting from new development and redevelopment in shoreline jurisdiction in the following sequence of steps listed in prioritized order:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

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

E. All shoreline uses and modifications shall be located, designed, constructed and managed to minimize adverse impacts on adjacent properties, to avoid creation of a hazard to public health and safety, to be compatible with surrounding land and water uses, and to consider the community's best interest. The community's best interest includes a need to consider ease of use, liability, and safety, and to minimize cost factors related to construction, operation and ongoing maintenance, among others.

F. Land clearing, grading, filling and alteration of natural drainage features and land forms shall be limited to the minimum necessary for development, and shall not result in reduction in land area above the OHWM.

G. All shoreline uses and activities shall be located and designed to prevent or minimize the need for new or additional shoreline stabilization.

H. Navigation channels shall be kept free of hazardous or obstructing uses and activities.

I. New structures or vegetation shall not be located where they may significantly and

adversely impact existing views of the water or existing view corridors between key upland areas.

- J. Accessory Utilities: To minimize disturbance in shoreline jurisdiction, and to reduce the impact on shoreline ecological functions, utilities serving any permitted development shall 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 utility corridors and connections shall be mitigated.

5.3 Archaeological and Historical Resources

5.3.1 Policies

- A. 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.

5.3.2 Regulations

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

- D. Archaeological sites are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Resources) and shall comply with Chapter 25-48 WAC (Archaeological Excavation and Removal Permit) or its successor as well as the provisions of this Master Program.

5.4 Critical Areas

5.4.1 Policies

- A. Critical areas within shoreline jurisdiction are regulated by the Beaux Arts Critical Areas Regulations for Shoreline Jurisdiction.
- B. Unique, rare and fragile natural and man-made features as well as scenic vistas from public property and wildlife habitats should be preserved and protected from unnecessary degradation or interference.

5.4.2 Regulations

- 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:
- Fish and wildlife habitats, including spawning areas;
 - Geologically hazardous areas; and
 - Natural or man-made scenic vistas or features.
- B. Critical areas within shoreline jurisdiction are regulated by the Town's Critical Areas Regulations modified for consistency with the Shoreline Management Act and included in this SMP as Appendix E.

5.5 Public Access

There are no publicly owned shoreline parcels within the Town. Rather, the Town of Beaux Arts Village is unique in that its entire shoreline is available to Beaux Arts property owners through membership in the Western Academy of Beaux Arts Village, or WABA. WABA is the owner and manager of the waterfront property, locally referred to as "the Commons." The Commons contains both woodland and waterfront features.

Visual access to the shoreline is available from the water and from upland areas in the Town. However, visual access does not include the right to enter upon or cross private property. Should the land use designations in shoreline jurisdiction change in the future, appropriate provisions for public access shall be incorporated if required by State law.

5.6 Vegetation Management

5.6.1 Policies

- A. Trees and native plant communities within the shoreline environment should be protected and maintained to minimize damage to the ecology and environment of the shoreline area.
- B. Restoration of degraded shorelines due to natural or manmade causes should, wherever feasible, use soil bioengineering techniques to minimize the processes of erosion and sedimentation.
- C. 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 aquatic habitat, and should include appropriate handling or disposal of weed materials and attached sediments.
- D. The shoreline property owner should use the following *BMPs* when maintaining the landscapes:
 - Minimize use of herbicides, fertilizers, insecticides, and fungicides along the shore of Lake Washington, as well as in the water.
 - Limit the amount of lawn and garden watering to minimize surface runoff.
 - Grass clippings, leaves, or twigs should not be disposed of in the street, in a body of water, or near a storm drain.

5.6.2 Regulations

- A. Restoration of any shoreline that has been disturbed or degraded shall use appropriate non-invasive plant materials.
- B. Stabilization of exposed erosion-prone surfaces within shoreline jurisdiction shall, wherever feasible, utilize soil bioengineering techniques.

NOTE TO COUNCIL: Key elements of the Town's Tree Code are incorporated into this SMP as they are critical to demonstrating that the SMP contains provisions protecting existing vegetation. Referencing the Town's regulations in this SMP is not in the Town's best interests as future changes to the Town's Tree Code would need to be reviewed and approved by the Washington Department of Ecology as any changes would also be considered changes to the SMP.

C. Tree Protection Regulations

1. All property owners shall be allowed to remove any Protected Tree located within the building footprint of a proposed building associated with a building permit, including those tree(s) outside of the footprint which would become hazardous by the construction of the permitted building.
 2. All property owners shall be allowed to remove up to 20% of the Protected Tree Units on their lot within any twelve-month period. At a minimum, one Protected Tree may be removed per each twelve-month period.
 3. Hazardous trees may be removed and are exempt from the 20% limitation. If the tree is hazardous, or could become hazardous as a result of new construction for which a permit will be issued, a report from a Qualified Professional is required for review by the Town Arborist.
 4. All property owners seeking to remove one or more trees shall retain a minimum of one tree unit per 1,000 sq. ft. of lot area or shall plant mitigation trees to meet a minimum of one tree unit per 1,000 sq. ft. of lot area.
 5. When mitigation trees are necessary, a mitigation plan must be submitted that specifies trees a minimum of eight (8) feet tall, with a full, well-developed crown of foliage, and counting as a minimum of one tree unit. Trees planted as mitigation must be maintained with adequate water and care to survive a three-year warranty period or be replaced. Trees planted as mitigation shall be one of the Protected Tree species, or other native tree as agreed upon by the Town.
- D. 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.
- E. The control of aquatic vegetation by hand pulling or placement of aquascreens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a Shoreline Substantial Development Permit. Control of aquatic vegetation by mechanical methods is exempt from the requirement to obtain a Shoreline Substantial Development Permit only if the bottom sediment or benthos is not disturbed in the process. It is assumed that mechanical removal of accumulated vegetation at a level closer than two (2) feet to the root level will disturb the bottom sediment and benthos layer.
- F. 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.

- G. When necessary, the application of herbicides, fertilizers, insecticides, and fungicides in the Urban Conservancy environment must be conducted by a licensed applicator using BMPs to minimize potential for runoff into Lake Washington.
- H. The application of herbicides or pesticides in lakes requires a permit from the Washington Department of Ecology and may require preparation of a SEPA checklist for review by other agencies. The individual(s) involved must obtain a pesticide applicator license from the Washington State Department of Agriculture.

5.7 Water Quality

5.7.1 Policies

- A. 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.
- B. All measures for the treatment of runoff to maintain and/or enhance water quality should be conducted on-site at the source of contamination.
- C. The following *BMPs* regarding water quality management should be supported:
- 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.
 - 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.
 - 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.
 - Sand blasting and spray-painting activities are prohibited.
 - 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.
 - 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.

- Feeding Canada geese and other wildlife along the shoreline should be discouraged to prevent them from gathering in large numbers and potentially contaminating the water from bird droppings.

5.7.2 Regulations

- A. All shoreline development shall comply with the applicable requirements of the most recent edition of the Department of Ecology *Stormwater Management Manual for Western Washington* and all applicable Town stormwater regulations.
- B. The direct release of solid waste, liquid waste, untreated effluent, 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.
- C. All shoreline uses and activities shall utilize *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.

CHAPTER 6: SHORELINE USE AND MODIFICATION POLICIES AND REGULATIONS

6.1 Shoreline Use and Modification Permit Matrix

- A. Table 6.1 indicates which uses and modifications may be allowed or are prohibited in shoreline jurisdiction within each shoreline environment. Accessory uses shall be subject to the same shoreline permit process as its primary use, unless such accessory uses are specifically listed in Table 6.1. Where there is a conflict between the chart and the written provisions in this SMP, the written provisions shall apply.
- B. Authorized uses and modifications are only allowed in shoreline jurisdiction where the underlying zoning allows for it and subject to the policies and regulations of this SMP.
- C. Any use, development or modification not classified in this Shoreline Master Program or listed below shall require a Shoreline Conditional Use Permit.
- D. Uses and modifications identified as “Permitted” require either a Substantial Development Permit or may be exempt from the requirement to obtain a Substantial Development Permit, as outlined in Chapter 2.5 of this SMP. Exempted uses and

modifications, however, are not exempt from the Act or this SMP, and must be consistent with the applicable policies and provisions.

- E. If any part of a proposed development is not eligible for exemption, then a Shoreline Permit is required for the entire proposed development project.
- F. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a Shoreline Conditional Use Permit even though the development or use does not require a Substantial Development Permit.
- G. The permit processes indicated below for each use or modification apply to new, expanded, modified or replacement uses and modifications. For those uses and modifications that meet one of the exemptions outlined in Chapter 2.5 of this SMP, a Shoreline Permit is not required if Table 6.1 indicates “Permitted.” However, for all exemptions other than 2.5.3.B (normal maintenance and repair), uses and modifications listed as “Conditional Use” or “Prohibited” are not eligible for an exemption.

Table 6.1 Shoreline Use and Modification Permit Matrix

USE OR MODIFICATION	Urban Conservancy	Shoreline Residential	Aquatic
Agriculture	Prohibited	Prohibited	Prohibited
Aquaculture	Prohibited	Prohibited	Prohibited
Boating Facilities and Aquatic Recreation Facilities <ul style="list-style-type: none"> • Boat moorage facilities (including mooring/navigation buoys and mooring piles) • Boatlift • Canopy • Boat launch facilities • Swim dock • Swim area marker ropes • Covered moorage and boathouses 	Permitted NA NA Permitted Permitted NA NA	NA	Permitted Permitted Prohibited Permitted Permitted Permitted Prohibited
Breakwaters, Jetties and Groins	Prohibited	NA	Prohibited
Clearing and Grading	Permitted	Permitted	NA
Commercial Development	Prohibited	Prohibited	Prohibited
Dredging and Dredge Material Disposal	Conditional Use	Prohibited	Conditional Use
Fill (waterward of OHWM)	NA	NA	Conditional Use, Permitted if restoration
Industrial Development	Prohibited	Prohibited	Prohibited
Forest Practices	Prohibited	Prohibited	Prohibited

USE OR MODIFICATION	Urban Conservancy	Shoreline Residential	Aquatic
Mining	Prohibited	Prohibited	Prohibited
Parking <ul style="list-style-type: none"> • Primary Use • Accessory Use 	Prohibited Permitted	Prohibited Permitted	Prohibited Prohibited
Recreational Development (Upland) <ul style="list-style-type: none"> • Water-dependent • Water-related (including boat storage facilities) • New non-water-oriented • Expansion non-water-oriented 	Permitted Permitted Prohibited Permitted	NA	Permitted Prohibited Prohibited Prohibited
Residential Development <ul style="list-style-type: none"> • Single Family • Multi Family 	Prohibited Prohibited	Permitted Prohibited	Prohibited Prohibited
Shoreline Habitat and Natural Systems Enhancement	Permitted	Permitted	Permitted
Shoreline Stabilization <ul style="list-style-type: none"> • Beach Restoration and Enhancement • Soil Bioengineering • Bulkheads 	Permitted Permitted Permitted	NA	Permitted Permitted Permitted
Signs	Permitted	Permitted	Permitted
Transportation Facilities <ul style="list-style-type: none"> • Expansion of existing • New 	Permitted Prohibited	Permitted Prohibited	NA
Utilities (primary) <ul style="list-style-type: none"> • New • Repair, replacement and upgrade 	Prohibited Permitted	Prohibited Permitted	Prohibited Permitted

6.2 Development Standards Matrix

- A. To preserve the existing and planned character of the shoreline consistent with the purposes of the shoreline environment designations, shoreline development standards regarding shoreline buffers and height are provided in Table 6.2. In addition, shoreline developments shall comply with all other dimensional requirements of the Town’s zoning and other development regulations.
- B. When a development or use is proposed that does not comply with the shoreline setback standards of this SMP, such development or use can only be authorized by approval of a Shoreline Variance. Departures from the maximum height limit shall be subject to approval of a Shoreline Conditional Use Permit.

NOTE TO COUNCIL: The Planning Commission developed Table 6.2 after much discussion and a field visit to the shoreline to measure locations of existing and potential future desired structures.

Table 6.2 Development Standards Matrix

REGULATION	Urban Conservancy	Shoreline Residential	Aquatic
Height Limit	20' single-story structure	30'	NA
Shoreline Setback ¹			
• Water-dependent	0'	NA	NA
• Water-related (N. of 27 th and S. of 29 th)	5'	NA	
• Water-enjoyment			
- Fire pits/BBQ/benches/picnic tables	10'	NA	
- Play structures	35'	NA	
• All other uses	50'	100'	

¹ Shoreline setbacks shall be measured from the pre-restoration OHWM as of the date of the Shoreline Analysis Report, August 2011.

6.3 Boating and Aquatic Recreation Facilities

6.3.1 Policies

- A. Environmental, aesthetic, navigation, and recreation factors should all be considered in the location and design of any new or expanded boating and aquatic recreation facilities.
- B. The proposed size of the structure and intensity of use or uses of any new or expanded boating and aquatic recreation facilities should be compatible with the surrounding environment and land and water uses.

6.3.2 Regulations

A. General

1. All boating and aquatic recreation facility dimensions shall be minimized to the maximum extent feasible based on projected use and demand.
2. Boating and aquatic recreation facilities shall be designed and located so they do not interfere with navigation or the community's safe use of the lake and shoreline.
3. 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.

4. No portion of the deck of a pier shall protrude more than four (4) feet above the OHWM.
5. No additional skirting is permitted on any structure.
6. All boating and aquatic recreation facilities shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or repaired promptly by the owner.
7. Lighting associated with overwater structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies. Illumination levels shall be the minimum necessary for safety.
8. 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 or creosote is prohibited.
9. Overwater boating and aquatic recreation facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night.
10. Exterior finish shall be generally non-reflective (e.g., generally matte, rather than glossy).
11. Mooring and navigation buoys may be installed where they will not interfere with navigation or access to existing moorage facilities. Design features shall meet Washington Department of Fish and Wildlife, U.S. Army Corps of Engineers and/or Department of Natural Resources standards.
12. Ropes or other marker lines suspended by floats are allowed to delineate swim areas and other non-boating areas for safety purposes.
13. Covered moorage is not permitted.
14. Temporary aircraft and floatplane moorage is permitted.

B. Overwater Boating and Aquatic Recreation Facilities

1. New overwater structures shall comply with the following dimensional standards:

Table 6.3. Requirements for New Overwater Structures

Standard	Requirements
Maximum Waterward Intrusion	200 feet
Maximum Width	<ul style="list-style-type: none"> • 6 feet for access walkway or ramp portion of pier or dock and primary walkways • 8 feet for ells • 4 feet for fingers • 6 ft. for floats, unless floats are over water greater than 10 feet deep at OHW or are farther waterward of OHWM than 100 feet. Seasonal floats located closer than 30 feet waterward of the OHWM may be only 4 feet wide • Swim docks located at least 80 feet waterward of OHWM may be any dimensions totaling no more than 600 square feet
Height of fixed-pile piers	<ul style="list-style-type: none"> • Minimum of 1.5 ft above ordinary high water to bottom of pier stringer • Maximum of 4 ft. above OHWM
Decking for piers, docks, walkways, ells and fingers	<ul style="list-style-type: none"> • Fully grated or contain other materials that allow a minimum of 40% light transmittance through the material. • If float tubs for docks preclude use of fully grated decking material, then a minimum of 2 ft. of grating down the center of the entire float shall be provided
Location of new ells, fingers and floats	<ul style="list-style-type: none"> • No closer than 30 ft. waterward of the OHWM, measured perpendicular to the OHWM. • Temporary floats may be located closer than 30 feet waterward of the OHWM provided they are seasonal, limited to June 1 through September 30
Pilings	<ul style="list-style-type: none"> • The diameter of pilings shall be minimized to the maximum extent allowed by site-specific engineering or design considerations. • First set of pilings for the moorage facility located no closer than 18 ft from OHWM, unless otherwise indicated by site-specific engineering or design considerations. • The spacing between pilings shall be maximized to the extent allowed by site-specific engineering or design considerations.

2. Replacement - Replacement of overwater structures or portions thereof shall comply with the above standards unless otherwise specified below:

Table 6.4. Requirements for Replacement Overwater Structures

Standard	Requirements
Maximum Width	<ul style="list-style-type: none"> • Same dimension as existing structure
Location of new ells,	<ul style="list-style-type: none"> • Same location as existing structure

Standard	Requirements
fingers and floats	

3. Additions – Additions to existing boating facilities may be permitted provided the following:
 - a. A needs analysis or master plan prepared by the applicant, and approved by the Town, projects future needs for expanded boating facility space. The needs analysis shall include:
 - i. An assessment of the anticipated need for the requested expansion and ability of the site to accommodate the proposal, considering such factors as environmental conditions, shoreline configuration, access, and neighboring or on-site recreational uses.
 - ii. An assessment of the impacts and measures taken to avoid, minimize, and mitigate impacts.
 - b. Enlarged portions of the boating facility must meet dimensional standards for length and width, height, water depth, location, decking and pilings, and materials described in Table 6.3, unless otherwise described in Table 6.5.
 - c. At a minimum, mitigation measures identified in Table 6.5 shall be followed.

Table 6.5. Requirements for Overwater Structure Additions

Over-water Structure Addition Standards	Requirements
Decking for over-water structures	An area of nearshore decking equivalent to the area of the addition must be converted to grated decking that allows a minimum of 40% light transmittance through the material
Mitigation	As determined through mitigation sequencing, and as otherwise applied by state or federal agencies.

4. Over-water Structure Repair
 - a. Repair proposals that replace only decking or decking substructure or less than 50 percent of the existing pier-support piles must comply with requirements of Table 6.6:

Table 6.6. Requirements for Overwater Structure Repairs

Minor Repair to Over-water Structures	Requirements
Replacement pilings or moorage piles	Must use materials as described for new over-water structures
Replacement of 10 percent or more of the decking or decking substructure	Must replace any solid decking surface of the over-water structure located within 30 ft. of the OHWM with a grated surface material. If float tubs for docks preclude use of fully grated decking material, then a minimum of 2 ft. of grating down the center of the entire float shall be provided

- b. If cumulative repairs of an existing pier would make a proposed repair exceed the threshold established in 4.a above, the repair proposal shall be reviewed under standards for a replacement pier.

C. Boatlifts. Boatlifts may be permitted provided the following:

Table 6.7. Requirements for Boatlifts

Boatlift and Boat Canopy	Dimensional and Design Standards
Mitigation	Install additional shoreline vegetation, remove existing piles, remove existing overwater cover, or install grating on existing overwater cover proportional to the impacts of the added structure

D. Boat Launch

1. Location Standards – Boat launches for non-motorized boats shall be sited so that they minimize damage to fish and wildlife habitats. New motorized boat launches are prohibited, but existing launches may be expanded or re-located.
2. Size - The applicant shall demonstrate that the proposed size of the new, expanded or re-located boat launch is the minimum necessary to safely launch the intended craft and meet the projected demand.
3. Design Standards – 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. Seasonal ramps that can be removed and stored upland are preferred.

E. Moorage Piles

Moorage Piles	Moorage piles shall be located no closer than 30 ft. from the OHWM nor any farther waterward than the end of the over-water structure.
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6.4 Clearing and Grading

6.4.1 Policies

- A. All clearing and grading activities should be designed and conducted to minimize impacts to wildlife habitat; to minimize sedimentation of creeks, Lake Washington, and wetlands; and to minimize degradation of water quality.
- B. 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 setback areas and allowed in other shoreline locations only when associated with a permitted shoreline development.
- C. Adverse environmental and shoreline use impacts of clearing and grading should be avoided wherever possible through use of *BMPs* and other considerations.
- D. Cleared and disturbed sites remaining after completion of construction should be promptly replanted with native vegetation or with other appropriate non-invasive species as approved by the Town.

6.4.2 Regulations

- A. For proposed land clearing, upland fill, or grading activities over fifty (50) cubic yards in quantity, or a cut of two (2) feet or more, or a fill of two (2) feet or more, a clearing and grading plan addressing species removal, replanting, irrigation, erosion and sedimentation control and other methods of riparian corridor protection shall be required.
- B. Clearing and grading activities may only be allowed when associated with a permitted shoreline development. Clearing and grading activities in shoreline areas should be limited to the minimum necessary.
- C. Normal nondestructive pruning and trimming of vegetation for maintenance purposes shall not be subject to these clearing and grading regulations. In addition, clearing by hand-held equipment of invasive nonnative shoreline vegetation or plants listed on the State Noxious Weed List is permitted in shoreline locations.
- D. In all cases where clearing is followed by revegetation, native or appropriate non-invasive plants shall be preferred.

6.5 Dredging and Dredge Material Disposal

6.5.1 Policies

- A. Dredging in Lake Washington should be restricted to the minimum necessary to support existing water-dependent, water-oriented or water-related uses, and only when other solutions would result in greater environmental impacts. New development should not be proposed in areas which would require maintenance dredging.
- B. Dredging waterward of the OHWM for the primary purpose of obtaining fill or construction material is prohibited.
- C. In all cases, dredging operations should be planned and conducted to protect and maintain existing aquatic habitat and other shoreline uses, properties, and values.
- D. Dredging operations should be designed and scheduled to avoid impacts to fish, including impacts to fish migration, rearing, feeding and spawning.
- E. Dredging and dredge material disposal should be located and conducted in a manner that minimizes damage to existing ecological values and natural resources of the area to be dredged and of the disposal site. Proposals that include dredging shall provide mitigation.
- F. Dredge material disposal in waterbodies should be prohibited, except for habitat improvement projects.

6.5.2 Regulations

- A. Dredging waterward of the OHWM may be permitted only for navigation or navigational access; in conjunction with a water-dependent use; or as part of an approved habitat improvement project. Dredging waterward of the OHWM for the primary purpose of obtaining fill or construction material is prohibited.
- B. New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.
- C. When dredging is permitted, the extent of dredging shall be the minimum necessary to accommodate the proposed use.
- D. If suitable alternatives for land disposal are not available or are infeasible, water disposal shall be conducted at approved open-water disposal sites.
- E. Individual disposal operations shall comply with Department of Natural Resources leasing practices, the Department of Ecology Water Quality Certification process, and the permit requirements of the State Department of Fish and Wildlife and the U.S. Army Corps of Engineers.

F. Dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material shall not be allowed, except when the material is necessary for the restoration of ecological functions. When allowed, the site where the fill is to be placed must be located waterward of the ordinary high water mark. The project must be either associated with a Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act habitat restoration project or, if approved through a Shoreline Conditional Use Permit, any other significant habitat enhancement project.

G. Dredging shall utilize techniques (such as hydraulic dredging instead of agitation dredging) that cause minimal dispersal and broadcast of bottom material.

6.6 Fill (waterward of OHWM)

6.6.1 Policies

- A. Fills waterward of the OHWM should be allowed only when necessary to facilitate water-dependent uses, including maintenance of established beaches and restoration projects, which are consistent with this Master Program.
- B. Shoreline fills should be designed and located so that there will be no significant damage to existing ecological systems or natural resources, and no alteration of local currents, surface and subsurface drainage, or flood waters which would result in hazard to adjacent life, property, or natural resource systems.
- C. Where permitted, aquatic fill coverage should be the minimum necessary to provide for the desired ecological restoration outcome or the proposed use. Fills should be permitted only when tied to a specific development proposal that is permitted by this Master Program.

6.6.2 Regulations

- A. Fills waterward of the OHWM shall be permitted only in conjunction with a water-dependent use; community access; cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan; disposal of dredged material considered suitable under, and conducted in accordance with the Dredged Material Management Program of the Department of Natural Resources; mitigation action; environmental restoration; or beach nourishment or enhancement project. Fills waterward of the OHWM for any use except ecological restoration or approved shoreline stabilization should require a Shoreline Conditional Use Permit.
- B. Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area.
- C. Fill shall be permitted only where it is demonstrated that the proposed action will not result in significant damage to water quality, fish, or aquatic habitat.

- D. No refuse disposal sites, solid waste disposal sites, or sanitary fills shall be permitted along the Lake Washington shoreline in Beaux Arts.

6.7 Parking

6.7.1 Policies

- A. Parking facilities in shoreline jurisdiction are not a preferred use and should be allowed only as necessary to support an authorized use. New or expanded parking facilities should be located no closer to the OHWM than existing facilities.

6.7.2 Regulations

- A. Parking in shoreline areas shall be minimized and shall be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, and vegetation and habitat maintenance.
- B. Parking in shoreline areas must directly serve a permitted shoreline use. Parking as a primary use and parking which serves a use not permitted in shoreline jurisdiction is prohibited.

6.8 Recreational Development - Upland

6.8.1 Policies

- A. Give priority to shoreline recreational development in order to provide access, use, and enjoyment of the Town's shoreline.
- B. Develop and manage recreational activity areas in a manner which complements local use and/or natural habitats.

6.8.2 Regulations

- A. Recreational uses and facilities shall be designed to be primarily related to access, enjoyment and use of the water and adjoining shorelands.
- B. No developments shall result in a reduction of passive or active community recreation activities.

6.9 Residential Development

6.9.1 Policies

- A. Residential development should be designed to preserve shoreline aesthetic characteristics, views, and minimize physical impacts to shoreline ecological functions.

- B. Residential development should be designed to preserve existing shoreline vegetation, control erosion and protect water quality using *BMPs* and, where possible, utilizing *LID* technologies.

6.9.2 Regulations

- A. Residential development shall be permitted only where there are adequate provisions for utilities, circulation and access.
- B. Residential development shall comply with the shoreline setbacks and vegetation management regulations in order to avoid and minimize adverse ecological impacts.
- C. The Town shall encourage the use of *BMPs* to reduce impervious surfaces and surface water runoff.

6.10 Shoreline Habitat and Natural Systems Enhancement Projects

6.10.1 Policies

- A. The Town should allow restoration projects, especially those identified in or consistent with the *Beaux Arts Village Shoreline Restoration Plan* or the *Final WRIA 8 Chinook Salmon Conservation Plan* endorsed by the Town in Resolution No. 220.
- B. The Town should protect and improve wildlife and aquatic habitats wherever feasible.

6.10.2 Regulations

- 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 and does not reduce the net upland area.

6.11 Shoreline Stabilization

6.11.1 General Shoreline Stabilization Policies

- A. Hard structural solutions to reduce shoreline damage from erosion should be allowed only after it is demonstrated that nonstructural or soft structural solutions would not provide sufficient protection to existing improvements. Nonstructural and soft structural solutions include (but are not limited to) soil bioengineering, beach enhancement,

alternative site designs, drainage improvements and increased building setbacks (for proposed structures).

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

6.11.2 General Shoreline Stabilization Regulations

- A. All new shoreline development shall be located and designed to prevent or minimize the need for shoreline modification activities.
- B. Consideration shall be given to the impact of proposed shoreline modification structures on ecosystem-wide processes (e.g., sediment movement) and functions (e.g., habitat). Provisions shall be made to avoid and minimize impacts.
- C. Shoreline stabilization solutions developed to replace existing shoreline stabilization shall be placed along the same alignment as, or landward of, the shoreline stabilization being replaced.
- D. New shoreline stabilization shall be permitted only when it has been demonstrated that shoreline stabilization is necessary for the protection of legally established structures and public improvements. The Shoreline Administrator shall require a report prepared by a qualified professional that demonstrates that there are no other feasible options to the proposed shoreline stabilization that have less impact on the shoreline environment. Criteria for these reports shall be established by administrative rule.
- E. Shoreline stabilization shall not significantly interfere with normal surface and/or subsurface drainage into the water body.
- F. Shoreline stabilization shall be designed so as not to constitute a hazard to navigation and to not substantially interfere with visual access to the water.

- G. Shoreline stabilization shall be designed so as not to create a need for shoreline stabilization elsewhere.
- H. A licensed engineer with experience in lakeshore processes and shoreline stabilization Professional design (as approved by the Town) of all shoreline stabilization or modification structures is required.

6.11.3 Beach Restoration or Enhancement Regulations

- A. Beach enhancement shall be permitted when the applicant has demonstrated that the project will minimize interruption of littoral processes, and will not adversely redirect waves, current, or sediment to other shoreline areas, including adjacent properties.
- B. Natural beach restoration/enhancement shall extend waterward as far as necessary to achieve the desired stabilization and creation or augmentation of shallow-water habitat.
- 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 substrate, but large enough to resist the annual maximum current, wake, or wave action at the site.
- D. Beach enhancement within fish and/or wildlife spawning, nesting, or breeding habitat shall be conducted when the activity would have the least potential for adverse impacts and also where littoral drift of the enhancement materials would not significantly adversely affect adjacent spawning grounds or other areas of biological significance.

6.11.4 Soil Bioengineering Regulations

- A. All soil bioengineering projects shall use non-invasive plant materials appropriate to the area, including trees, shrubs and groundcovers.
- B. All cleared areas shall be replanted and/or stabilized immediately following construction.
- C. 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.

6.11.5 Bulkhead Regulations

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

B. Replacement or Major Repair of Hard Structural Stabilization

1. For the purposes of this section, major repair or replacement of a hard shoreline stabilization measure shall include the following activities:

- a. A repair needed to a portion of an existing stabilization structure that has collapsed, eroded away or otherwise demonstrated a loss of structural integrity, when the repair work involves modification of 50 percent or greater by length of the existing hard shoreline stabilization measure's bottom course of rock or footings; or
 - b. A repair needed to an existing hard structural shoreline stabilization that has collapsed, eroded away, or otherwise demonstrated a loss of structural integrity when the repair work involves modification of more than 75 percent of the linear length of the existing hard structural shoreline stabilization measure's top or middle course of rocks or other similar repair activities.
2. The Town shall permit a major repair or replacement of an existing hard structural stabilization measure with a hard structural shoreline stabilization measure to protect existing primary structures and principal uses, provided conclusive evidence is presented to the Town that the structure or use is in danger from shoreline erosion caused by waves.
3. If hard structural stabilization is removed to implement a softer shoreline stabilization measure, and that softer measure fails or does not otherwise provide the expected level of shoreline stabilization, it may be reconstructed as hard structural shoreline stabilization and permitted as a replacement.
4. Submittals for replacement or major repairs of hard shoreline stabilization with similar hard shoreline 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 and no reduction in land area above the OHWM.

Submittals for replacement or major repairs of hard structural shoreline stabilization with softer shoreline stabilization measures shall submit a full geotechnical analysis as would be required for a new or enlarged shoreline stabilization measure.

- C. Minor Repairs of Hard Shoreline Stabilization include those maintenance and repair activities not otherwise addressed in the subsections above. The Town shall allow minor repair activities to existing hard structural shoreline stabilization measures.
- D. Repair or Replacement of Soft Shoreline Stabilization
 - 1. Repair or replacement of soft shoreline stabilization measures shall be permitted.
 - 2. The applicant shall submit to the Town design recommendations for minimizing impacts and ensuring that the replacement or repaired stabilization measure is designed, located, sized, and constructed to assure no net loss of ecological functions and no reduction in land area above the OHWM.
- E. 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 3-year vegetation maintenance and monitoring program to include goals and objectives of the shoreline stabilization plan; a three-year monitoring plan, consisting of one site visit per year by a qualified professional, specifying submittal of annual progress reports to the Shoreline Administrator and all other agencies with jurisdiction; and a contingency plan in case of failure.
 - 4. Fees for Town review of submittal materials shall be the responsibility of the project applicant.

F. General Design Standards - The following design standards shall be incorporated into the stabilization design:

1. Soft structural shoreline stabilization measures shall be used to the maximum extent feasible and only when appropriate for site-specific conditions.
2. 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 *BMPs* when appropriate to minimize water quality impacts related to upland or in-water work, and stabilization of exposed soils following construction.
3. 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.
4. Hard and soft stabilization measures are allowed to have gravel, logs and rocks waterward of the OHWM, as approved by the Town and federal and state agencies, to provide enhancement of shoreline ecological functions through creation of nearshore shallow-water habitat.
5. Stairs or other water access measures may be incorporated into the shoreline stabilization, but shall not extend waterward of the shoreline stabilization measure.
6. The shoreline stabilization measures shall be designed to ensure that the measures do not restrict community access or make access unsafe to the shoreline.

G. 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.

- H. Upland Shifts in OHWM - If shoreline restoration projects, including shoreline stabilization improvements that are not mitigation, intended to improve ecological functions results in shifting the OHWM landward of the pre-modification location, then shoreline regulations shall not apply to such affected property. If shoreline stabilization activities result in a reduced lot size for the subject property, the property's square footage prior to the stabilization improvement shall be considered for all aspects of compliance with the Town's zoning restrictions.

6.12 Signs

6.12.1 Policies

- A. All signs should be located and designed to minimize interference with vistas, viewpoints and visual access to the shoreline.

6.12.2 Regulations

- A. All signs shall be located and designed to minimize interference with vistas, viewpoints and visual access to the shoreline.
- B. Water navigational signs and local signs necessary for operation, safety and direction are permitted.

6.13 Transportation Facilities

6.13.1 Policies

- A. Safe, reasonable, and adequate circulation systems should be maintained in shoreline jurisdiction.
- B. Only those transportation facilities that are consistent with existing and proposed uses in shoreline jurisdiction should be allowed.

6.13.2 Regulations

- A. New roadways are prohibited.
- B. Existing roadways may be maintained, repaired and expanded if needed to support existing and proposed shoreline uses.
- C. Floatplane and helicopter facilities are prohibited.

6.14 Utilities (Primary)

6.14.1 Policies

- A. Repair, maintenance, replacement, expansion and upgrades to existing primary utilities, including the City of Bellevue's sanitary sewer line and the Town's municipal water or stormwater management systems, should be allowed.
- B. New primary utilities should be prohibited.

6.14.2 Regulations

- A. Repair, maintenance, replacement, expansion and upgrades to existing primary utilities, including the City of Bellevue's sanitary sewer line and the Town's municipal water or stormwater management systems, should be allowed.
- B. Clearing and grading for the repair, maintenance, replacement, expansions, and upgrades of primary 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 or other appropriate non-invasive species approved by the Town. If the previous condition is identified as being undesirable, then landscaping and other improvements shall be undertaken.
- C. The Town shall implement maintenance procedures to assure continued proper functioning of public surface water management and drainage systems.
- D. Any new primary utility lines shall be located underground. Existing above-ground lines shall be moved underground when properties are redeveloped or in conjunction with replacements or major system upgrades.
- E. Accessory utilities are governed by Section 5.2.J. and other applicable provisions of this SMP.