THE SENSIBLE SHORELINE PLAN

AN ALTERNATIVE FOR BELLEVUE'S SHORELINE MASTER PROGRAM

SPONSORED BY WSSA – THE WASHINGTON SENSIBLE SHORELINES ASSOCIATION

MARCH 2011

INTRODUCTION

The Washington Sensible Shorelines Association (WSSA) provides this Sensible Shoreline Plan as the community supported alternative for portions of the Bellevue Shoreline Master Program. The goal of the Sensible Shoreline Plan is: (a) to be responsive to the public's and the Association's concerns; and, (b) to ensure reasonable regulation of shoreline properties while also protecting the shoreline environments of Lake Washington, Lake Sammamish, and Phantom Lake.

WSSA's main focus is on protecting the vibrancy of the residential shoreline neighborhood communities. All shoreline property owners share the water with their neighbors and the general public. These shorelines are almost entirely built out with homes and docks so only a handful of properties are undeveloped. These existing residential properties need to be maintained, updated, and potentially expanded or reconstructed, and that is also true for their docks since recreational boating is a primary activity on shoreline properties.

The major issues for residential shoreline property owners are:

- Ordinary High Water Marks that Recognize Artificial Conditions
- Bulkheads to Protect Property from Damage Due to Storms, Waves & High Water
- Nonconforming Regulations that Recognize and Protect Existing Residences and Appurtenant Structures
- Setbacks and Standards that Allow Sufficient Area for Homes and Other Activities
- Tree Retention Requirements that Provide Flexibility
- Dock Regulations that Allow Safe Moorage and Recreational Use

This Sensible Shoreline Plan focuses on the main regulatory issues affecting shoreline property owners, primarily single family residences. However, WSSA also recognizes that the primary factor causing damage to our lakes is municipal stormwater discharges from roads and other uphill developments. The City has programs in place to upgrade the City stormwater system, but WSSA believes it is imperative that these programs are made a priority in the Bellevue Shoreline Master Program and for the City. The health of our lakes, and thus the health of the fish and wildlife utilizing the lakes, will be benefitted most by cleaning up the municipal stormwater discharges. In addition, water levels on Phantom Lake and Lake Sammamish are not being regulated appropriately by government agencies. Extraordinarily high water levels produce unnecessary shoreline damage and pollution thus magnifying the effects of storm water discharge.

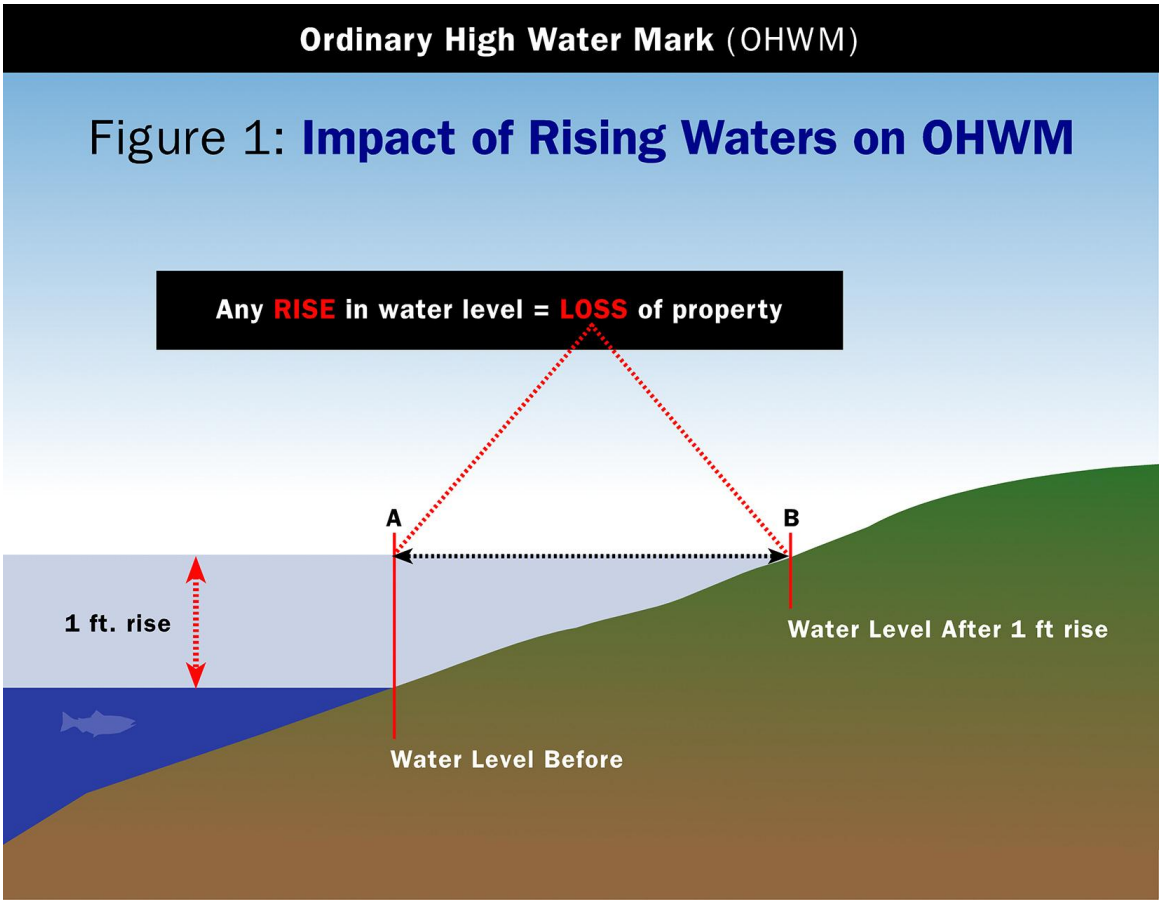
These non-regulatory programs (water level management and improvements to the stormwater system), rather than new regulations, will accomplish far more to improve the environment than imposing mandates that work in a piecemeal and unproven fashion on individual properties at great expense to the property owners and with costly City oversight.

ORDINARY HIGH WATER MARK

BACKGROUND:

The OHWM is a critical datum and must be considered in relation to water level control. Water elevation and consequential flood potential not only affect shoreline development but insurance and property values as well. The SMP must follow State law, quoted below, which defines OHWM based on the vegetation line, or mean high water if no vegetation line exists, as that condition existed on June 1, 1971 "as it may naturally change thereafter." That means artificially caused changes do not affect the OHWM.

Unfortunately, government agencies are failing to properly control lake water levels on Lake Sammamish and Phantom Lake causing artificially high lake levels and that can result in improper OHWM determinations. It must be recognized that a change of a foot in lake level causes a shift of the water line by a dozen feet or more on many gently sloping properties.

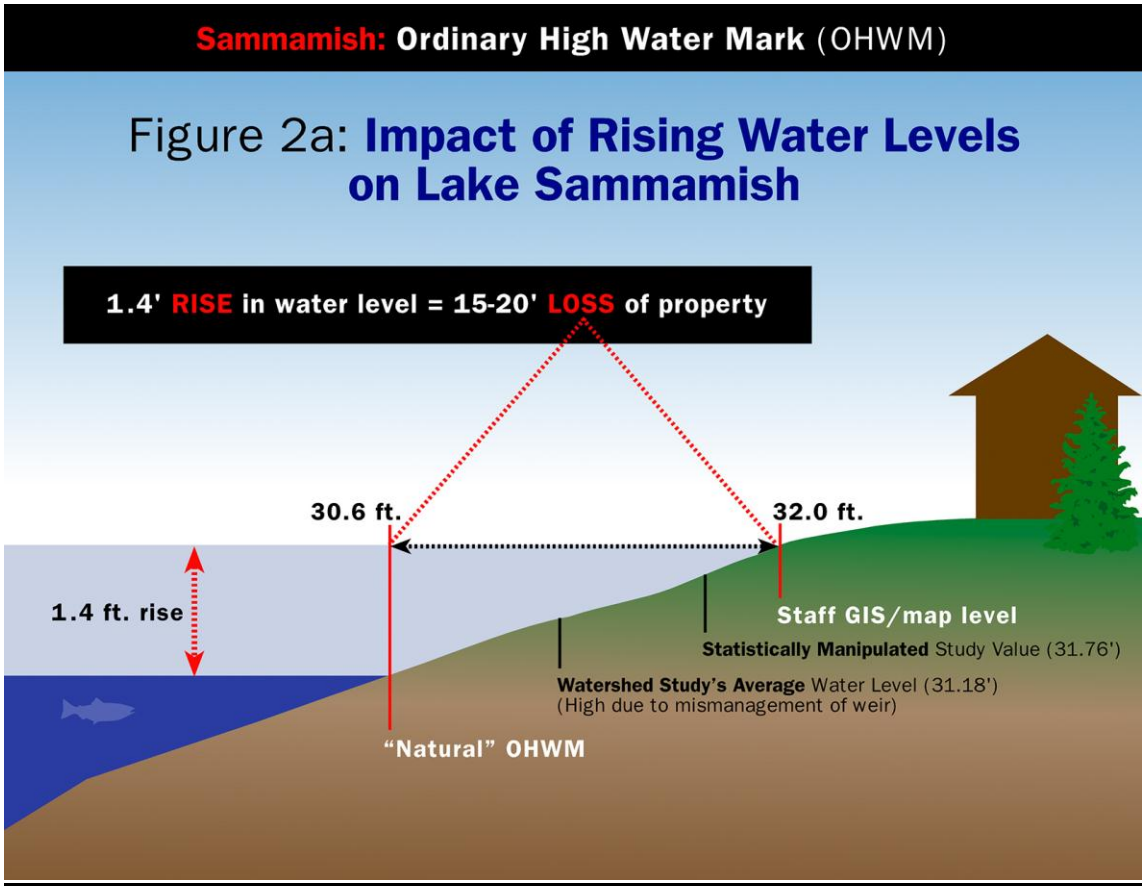


Lake Sammamish and Phantom Lake should be treated similar to Lake Washington with respect to water level control. Lake Sammamish and Phantom Lake both have outlet control structures that WSSA has demonstrated are not being properly maintained. The most serious implication of WSSA's studies of lake water levels is the potential for flooding and loss of property. Water levels on these lakes MUST be managed more actively and effectively to ensure minimal flood

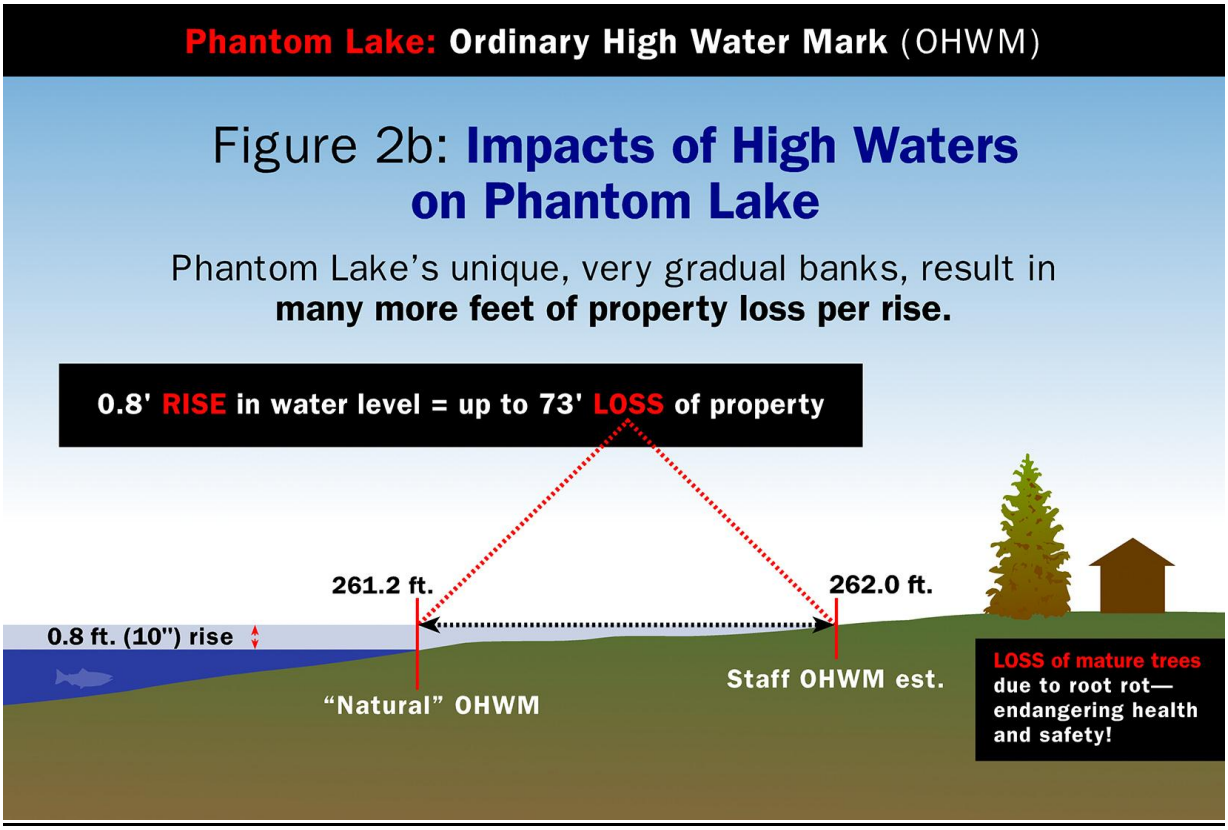
potential like Lake Washington where the locks accomplish this control. This policy should be part of the City's SMP.

Historic information needs to be used to re-establish the OHWM as required by state law. Critically, the City's OHWM study for Lake Sammamish did not consider the artificial changes caused by the failure of outlet control in suggesting 31.76' NAVD88 as the OHWM. This elevation is over a foot higher than the historic lake level still utilized by the United States Army Corps of Engineers. The Corps' level reflects a lake level without artificial changes. The line established in the City's OHWM Study reflects a dramatic change in the line, moving it a dozen feet or more feet onto gently sloping shoreline properties.

Additionally, the OHWM study shifted from the most representative value found, the average found on 27 parcels, adding two standard deviations. Specifically, the average was calculated at 31.18' but was then raised to 31.76'. Thus, the study failed to consider the artificial lake level and, contrary to the approved intent of the study, shifted higher, by more than 6 inches or a half dozen feet on gently sloping properties, the recommended OHWM. The State Department of Ecology even recognized that this approach did not follow State law and directed the City that the "administrative" OHWM of 31.76' could not be used to determine the Shoreline Management Act jurisdiction line and could not be used to locate bulkheads. Making matters worse, administratively, City staff uses an elevation of 32' (the 31.76' level rounded upward) to locate structures at a safe setback location unless the property owner pays for a site specific study. The following figure depicts how this approach impacts the average Lake Sammamish property owner, if allowed to persist.



Even more dramatic is the impact to Phantom Lake properties, as shown in the following diagram.



It must also be noted that the State law established OHWM is also an important property line for purposes of dividing the upland from the lake**.** That is, SMP regulations will be measured from the line established by the OHWM, and thus, it must be accurate. As a property line, only a state licensed surveyor is authorized under State law to establish the OHWM property line. The SMP should not incorporate a different line for SMP purposes than the line used to establish property rights. That would cause inherent confusion and create a situation where unqualified City staff persons are involving themselves in decisions that impact property rights.

POLICIES:

- **Adopt the State law definition for OHWM.**

- **Recognize that the United States has firmly established 30.56 NAVD88 as the historic OHWM for Lake Sammamish, and property owners should be able to use that line as the "mean high water line" according to State law. Similarly, property owners on Phantom Lake should be able to use 260.2' NAVD88 as the historic mean high water level.**

- **Require management of water levels of Lake Sammamish and Phantom Lake through non-regulatory programs to implement that policy.**

KEY STANDARDS:

STATE LAW ESTABLISHES STANDARD FOR ORDINARY HIGH WATER MARK:

> "Ordinary high water mark" [on all lakes, streams, and tidal water] is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;
>
> Citation: RCW 90.58.020(2)(b)

THE UNITED STATES ARMY CORPS OF ENGINEERS HAS AN ESTABLISHED OHWM STANDARD FOR LAKE SAMMAMISH REFLECTING THE HISTORIC LEVEL:

> United States ACOE standard for Lake Sammamish:
> OHWM = 27' NGVD29 which computes to **30.56' NAVD88**

THE HISTORIC WATER LEVEL FOR PHANTOM LAKE SHOULD BE USED AS THE OHWM:

> The historic water level for Phantom Lake is: **260.2' NAVD88**

THE SMP SHOULD SUPPORT PROACTIVE WATER LEVEL MANAGEMENT FOR LAKE SAMMAMISH AND PHANTOM LAKE TO:

- **REDUCE FLOOD POTENTIAL AND STORM DAMAGE TO IMPROVED PROPERTY,**
- **PREVENT UNNECESSARY POLLUTION SUCH AS SEDIMENTS AND CHEMICALS,**
- **ASSURE SAFE WATER-USE SUCH AS SWIMMING AND TO MAINTAIN NAVIGABLE BOATING CONDITIONS, AND**
- **MAINTAIN HISTORIC WATER LEVELS**

SHORE STABILIZATION

BACKGROUND:

The wave action on Lake Washington and Lake Sammamish caused by watercraft and storms is demonstrated to cause erosion to the shoreline that threatens structures and developments located on the upland/shorelands.

Figure 3 - Storm and Wave Impacts Along Lake Shoreline

Shoreline stabilization measures on these lakes are necessary for the preservation of homes and appurtenances due to overriding safety and environmental concerns. Property owners can be encouraged to replace existing hard shoreline stabilization measures with non-vertical bulkheads or soft shoreline stabilization measures or avoidance measures. However, the persistent wave action on these lakes causes a demonstrated need to use hard shoreline stabilization measures to sufficiently protect structures and developments located on the uplands/shorelands, and therefore property owners must be allowed to protect their property with hard shoreline measures.

The only scientific concern identified regarding bulkheads on Lakes Washington and Sammamish is potential wave reflection damage caused by vertical bulkheads depending on the location in relation to the water level, thus restrictions on vertical bulkheads are the only justified restriction.

Additionally, extraordinarily high, artificially created water levels on both Lake Sammamish and Phantom Lake are damaging property which increasingly necessitates protection of these properties with shoreline stabilization features. The City should take proactive steps to eliminate

the artificial lake levels; otherwise the rules must allow property owners on both lakes to protect their properties from water caused damage.

On some properties, removal of a vertical wall bulkhead will cause substantial damage to the property and shoreline creating overriding safety and environmental concerns, so repair by a fronting wall is the necessary and appropriate method of repair (e.g. Meydenbauer Bay).

It must also be noted that the SMA Guidelines allow local government's substantial discretion to adopt master programs reflecting local circumstances.

POLICY:

Existing bulkheads and other shoreline stabilization features for single family properties can be repaired or replaced without requiring categorization as major versus minor repair.

KEY STANDARDS:

1. Replacement: means the construction of a new structure to perform shoreline stabilization function of an existing bulkhead which can no longer adequately serve its purpose.

2. Comparable Standard: The replacement structure should be comparable to the existing and not constitute an addition or increase, however, a replacement structure need not be exactly the same as the existing structure and can be constructed of different materials or methods, including design features, location, and/or sizing modifications that will not result in a net loss of shoreline ecological functions.

3. Repaired bulkhead or replacement structures should be in the same location and not expanded, subject to the follow qualifications:

    - An exception is replacement of a vertical wall with a sloping rock revetment, which shall be considered an allowed replacement structure.

    - Where the existing bulkhead is waterward of ordinary high water, replacement structures located landward of the existing structure shall be considered an allowed replacement structure.

    - An exception or clarification is that if a vertical or near vertical wall that is being repaired by construction of a vertical wall fronting the existing wall, then the new wall shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. WAC 173-27-040(2)(c). As an alternative, a rock revetment may be constructed fronting the existing vertical wall.

4. Property owners may be encouraged, but not required, to replace vertical bulkheads with sloping rock revetments, which shall be considered acceptable replacement structures.

5. Property owners may be encouraged, but not required, to replace bulkheads with soft shoreline stabilization measures, which shall be considered acceptable replacement structures.

6. Repair or replacement of existing shoreline stabilization consistent with the above rules shall not require a shoreline substantial development permit or any other comparable permit or review process.

7. Walls or other features that are **not** at or near, and parallel to, ordinary high water shall not be regulated as shoreline stabilization measures or bulkheads.

The key point here is that repair or replacement of existing shoreline stabilization features will not result in net loss of shoreline ecological functions because a comparable bulkhead will not change existing conditions.

Citations: RCW 90.58.030(3)(e)(ii), WAC 173-26-231(3)(a)(iii)(C), WAC 173-27-040(2)(c).

POLICY

New or expanded bulkheads and other shoreline stabilization features for single family properties can also be constructed with additional standards.

KEY STANDARDS

8. New or expanded shoreline stabilization measures shall be allowed as an exempt activity if construction utilizes sloping rock revetments, soft shoreline stabilization, or other measures identified as providing similar benefits.

9. New or expanded shoreline stabilization measures must be constructed landward of ordinary high water.

10. Other new or expanded bulkheads not complying with the above standards are not normal protective bulkheads common to single family residences and must obtain a shoreline substantial development permit based on:

    - Geotechnical analysis demonstrating that the home, property, or appurtenances are threatened by erosion due to wave or water action, and demonstrating the need for the type of shoreline stabilization proposed. The geotechnical analysis shall be accepted by the City as conclusive on these issues.

    - The applicant shall demonstrate through the geotechnical analysis or otherwise that the proposed shoreline stabilization measure and any

mitigation measures will not result in a net loss of shoreline ecological functions.

11. Walls or other features that are **not** at or near, and parallel to, ordinary high water shall not be regulated as shoreline stabilization measures.

State law declares as an **exempt** activity: “Construction of the normal protective bulkhead common to single family residences.” RCW 90.58.030(3)(e)(ii). The unique local circumstances demonstrated by the Background statement, above, and supplementing information support authorizing new and expanded bulkheads meeting the above criteria as exempt activities consistent with the “substantial discretion” afforded the City under the Shoreline Guidelines. WAC 173-26-171(3)(a) (“The guidelines are guiding parameters, standards, and review criteria for local master programs...”).

New or expanded shoreline stabilization measures consistent with the above standards will not result in net loss of shoreline ecological functions.

Citations: RCW 90.58.030, WAC 173-26-231(a)(iii)(3)(C), WAC 173-27-040(2)(c).

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NONCONFORMING STANDARDS

BACKGROUND:

Bellevue's shoreline property owners constructed homes and improvements with the expectation of being able to fully maintain and repair those improvements. For decades, the existing shoreline program has been followed creating an acceptable and attractive shoreline residential environment. The Shoreline Management Act has a strong policy and a specific rule authorizing maintenance of existing improvements with no restrictions. The City regulations should respect existing homes and improvements by avoiding creation of nonconformities and by allowing maintenance and repair. Spurious designation of development as non-conforming will impact the investments made by residents and would also reduce the City tax base.

Figure 4 – Non Conformity Would Be Costly to All

Importantly, maintaining existing development will not in fact cause any new impact to the shoreline environment — there can be no net loss of ecological function when repairs and maintenance are undertaken that do not change the nature of the existing improvements.

POLICIES:

Residential properties shall be allowed to be maintained to preserve the existing development, including structures and other improvements.

Existing landscaping may be maintained and may be modified consistent with existing uses.

All existing development shall be considered conforming.

KEY STANDARDS:

1. **SETBACKS:** Shoreline setback requirements shall exclude or carve out the existing primary residence.

2. **PRIMARY RESIDENCE:** The primary residence may be repaired, and may be modified or replaced within the existing footprint according to the residential development standards.

3. **ACCESSORY STRUCTURES:** Accessory structures may be repaired to a state comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance. Replacement is authorized as repair where replacement is the common method of repair for the type of structure or development. Repair and replacement under this provision includes structural upgrades to meet current codes.

4. **LANDSCAPING AND OTHER YARD FEATURES: Existing landscaping and other yard features may be maintained, repaired, replaced, and modified as follows.**

    a. Existing landscaping vegetation may be maintained and may be replaced with other vegetation. Pruning restrictions or other efforts to regulate gardening are unnecessary.

    b. Existing hardscape or other impervious surfaces may be maintained and may be replaced with new hardscape, other impervious surfaces, pervious surfaces, or vegetation.

    c. Within the shoreline setback area, modifications that increase the area of hardscape or impervious surface must conform to impervious surface requirements, unless required for safety and safe access.

5. **CONFORMING DEVELOPMENT:** Existing buildings, structures, landscaping features, bulkheads, docks, and all other development shall be considered conforming.

Citations: WAC 173-27-040(2)(b), WAC 173-27-080(2) & (3), WAC 197-11-800(3)

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RESIDENTIAL DEVELOPMENT: SETBACKS AND STANDARDS FOR HOMES

BACKGROUND:

As noted above, most shoreline properties have been constructed based on a 25 foot setback standard, although not all homes were constructed that close to the water. The shoreline property owners have purchased and improved these properties with the expectation, based on decades of prior City policies and actions, that these homes would be able to be maintained and renovated based on Bellevue's standards. This clear and long held expectation, combined with the lack of any showing of harm, strongly supports maintaining the 25 foot setback standard.

Importantly, the City's science reports make it clear that the highly altered condition of these existing lake shorelines precludes turning the clock back to pre-settlement or pre-development conditions. For example, one report states:

> The riparian shoreline of Lake Washington is highly altered from its historic state. Current and likely future land-use practices preclude the possibility of the shoreline functioning as a natural shoreline to benefit salmonids.

The exact same conclusion is made for Lake Sammamish and a similar conclusion is made for Phantom Lake. The Staff has accepted these conclusions as well, stating in one Staff Report:

> Shorelines that are devoid of native vegetation or covered by structures, concrete, and pavers simply cannot contribute to this crucial interaction between land and water in the same manner less developed shorelines can.

Modifications to existing properties will not result in net loss of shoreline ecological functions, and as mentioned below, Bellevue shoreline development has been exemplary in its provision of "urban appropriate" habitat.

POLICY

RESIDENTIAL SHORELINE PROPERTIES MAY BE DEVELOPED WITH HOMES AND OTHER FEATURES TYPICAL OF RESIDENTIAL LIVING

KEY STANDARDS

1. **SETBACK FROM OHWM: 25 FEET**

   New Construction = 25 Feet (not including replacement)
   Remodel/Replace within Same Footprint = Allowed
   Expansion Outside Setback = Allowed

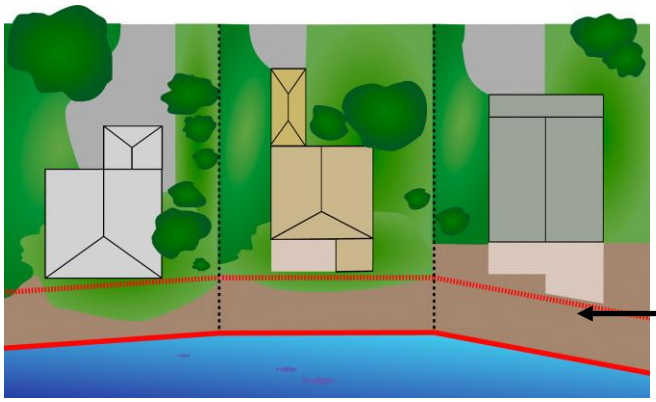
2. **MAXIMUM LOT COVERAGE BY STRUCTURES: 35%**

3. **IMPERVIOUS COVERAGE: Maximum Lot Total = 50%**

4. **GREENSCAPE AT STREET: 50% OF FRONTAGE**

5. **HEIGHT LIMIT: Same as height limit of land use code but shall not exceed 35 feet above average grade level as defined by State law.**

Figure 5 – Examples of Generally Acceptable and Unacceptable Setbacks/Buffers



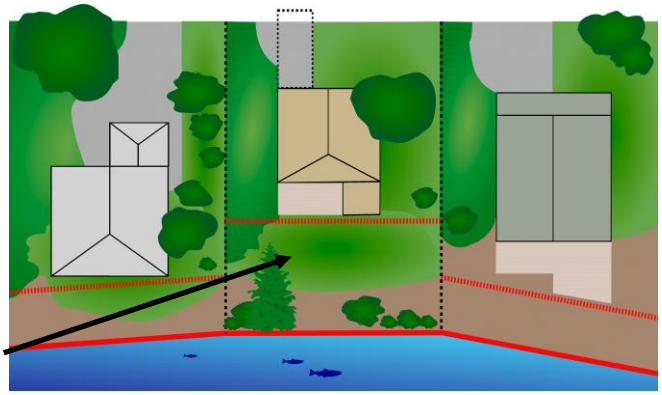
<<<< ACCEPTABLE

25 ft. setback in place since 1973 SMP

EXCESSIVE >>>>

Requiring new or replacement homes to be 50 ft. back would create:

Tunnel effect, loss of views and access, and place dangerous tall trees along shoreline



WSSA's proposed 25 foot setback is the same standard that has been proposed for the City's Newport Shores residential neighborhood and that being proposed for the City of Mercer Island (25 foot setback, in process at City). Bellevue staff has not identified any ecological functions that exist on our already highly developed urban shorelines. Staff was unable to identify any ecological function benefit from a larger setback and so there is no justification to change the existing 25 foot setback.

The other standards listed are based on existing strict standards for these neighborhoods. Making the regulations even more onerous will severely restrict the use of the shoreline properties, and will improperly and unnecessarily interfere with decades of expectations created by prior City rules. Therefore, the proposed standard here, a 25 foot setback, will achieve no net loss of ecological functions when combined with the other standards in this proposal.

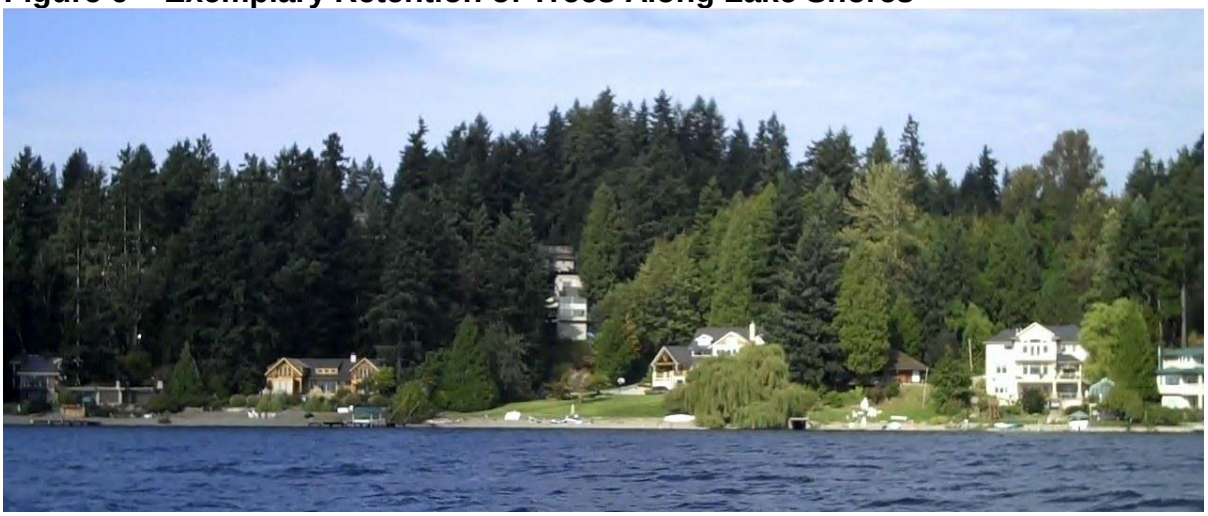
Citations: 2005 Best Available Science (BAS) Review, § 7.2.1 pp. 7-5 to 7-7, § 7.2.2 pp. 7-7 to 7-9 (Lake Sammamish) § 7.2.3 pp. 7-9 to 7-10 (Phantom Lake, no anadromous fish); Draft Shoreline Analysis Report § 5.1.3, page 79 (same statement for Lakes Washington and Sammamish).

VEGETATION CONSERVATION THROUGH TREE RETENTION

BACKGROUND:

Bellevue's shoreline neighborhoods characteristically display exemplary provision of vegetative cover, especially trees. This was underwritten in a recent study submitted to the City which reported tree canopy loss over a twenty year period predominantly occurring in other non-shoreline neighborhoods. The following figure is typical of what will be found along these shores.

Figure 6 – Exemplary Retention of Trees Along Lake Shores



Developed under regulations in place for decades, the shoreline residential community typically reflects resident desires for views of the water and access thereto; both being goals of the SMA which should be protected. Other considerations in this typical pattern of development respect the dangers posed by unstable trees along shorelines; being vulnerable to wind damage and toppling when water levels are not properly managed. But overall, the pattern of shoreline development has been to protect and preserve more trees than other Bellevue neighborhoods, with the exception of Bridle Trails.

Citations: "Urban Ecosystem Analysis", American Forests, Oct. 2008 and "Comparative Study of Vegetative Cover – A Sampling of Bellevue Neighborhoods", M.Nizlek to Planning Commission, Oct. 20, 2010)

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Figure 7 – Examples of Acceptable and Unacceptable Shoreline Vegetation

<<<<< UNACCEPTABLE

(dangerous and unnecessary in an urban environment)

ACCEPTABLE >>>>

(appropriate to Bellevue's urban development)

WSSA believes the shoreline community supports efforts to maintain and preserve shoreline vegetation. Doing so will support appropriate levels of urban wildlife while discouraging nuisance and dangerous creatures or formation of isolated, vulnerable subpopulations.

POLICY:

RESIDENTIAL SHORELINE PROPERTIES HAVE BEEN DEVELOPED AND MAINTAINED WITH EXEMPLARY, "URBAN-APPROPRIATE" VEGETATIVE COVER, INCLUDING TREES. PRESERVATION OF THIS ENVIRONMENT IS IMPORTANT TO THE SHORELINE, ITS EXISTING ECOLOGICAL FUNCTIONS, AND TO ENSURE VIABLE RESIDENTIAL AREAS. EFFORTS TO MAINTAIN AND PRESERVE THESE CONDITIONS CAN BE ACHIEVED THROUGH FLEXIBLE STANDARDS.

KEY STANDARDS:

1. **Tree Retention shall apply to new construction on vacant lots.**

2. **Tree Retention shall apply where impervious surface is increased by more than 20 percent.**

3. **Tree Retention requirement is to retain a minimum of 30 percent of the diameter inches of significant trees on the site per requirements of City Code. Significant trees are defined as those 8 inches or greater in diameter measured at chest height.**

Significant trees, those eight inches or more in diameter, provide habitat for various bird species that frequent the shoreline areas. The tree canopy study demonstrated that the shoreline areas contain comparatively more existing trees than the more densely developed residential areas in the City.

Any regulation will have an impact on the property owner in terms of development potential and permitting costs. Regulations must balance reasonable protection of resources with avoiding undue and irrational restrictions. As a result, some threshold is necessary before the permitting regulation is triggered, and then a tree retention standard should provide protection while allowing some flexibility.

WSSA's proposed regulation provides a threshold (impervious surface expansion greater than 20 percent) and a standard (retaining 30 percent of the diameter inches of significant trees). The combination of the threshold and the standard achieve the desired purposes. Property owners seeking to avoid permitting requirements related to tree retention must keep any additions to impervious surface at 20 percent or below. Limiting impervious surfaces achieves other planning goals. If the threshold is exceeded, then the property owner has flexibility in determining which trees to retain to achieve the minimum 30 percent retention standard. Also, the standard encourages retention of larger diameter trees.

The intention here is to adopt the same tree retention standard that applies to other residential neighborhoods in the City (except Bridle Trails). However, the burdens to retain trees will be greater in the shoreline areas. The tree canopy study presented to the Planning Commission demonstrated that the shoreline areas contain comparatively more tree canopy than many other residential areas of the City. As a result, the shoreline areas will necessarily retain **more trees** than other parts of the City because the 30 percent retention standard will be based on a greater number of trees.

Citations: LUC 20.20.900, Bellevue Urban Wildlife Habitat Report (Watershed Company May 2009); "Comparative Study of Vegetative Cover – A Sampling of Bellevue Neighborhoods", M.Nizlek to Planning Commission, Oct. 20, 2010

DOCK STANDARDS

BACKGROUND:

Residential recreational docks on these lakes support recreational boating and water-use activities enjoyed by the shoreline property owners and by many other Bellevue citizens that are their friends and relatives. The Shoreline Management Act was enacted to manage development on the shorelines, but was also designed to protect use of these lakes for recreational boating. Recreational docks are a key component to ensure a thriving recreational boating and water-use experience for Bellevue citizens—an activity that also creates substantial economic activity through supporting businesses.

For these reasons, shoreline property owners need to be able to construct and maintain safe docks that assure safe and adequate recreational moorage and access. The proposed standards are designed to ensure safe access and safe moorage. Loading and unloading a boat with family and gear requires an adequate staging area. Families with small children may not be comfortable using a ramp access of a mere three feet. The agencies are focused on protecting the nearshore habitat by use of 30 foot ramps, but ramps of that length are not appropriate where the lake drops off steeply.

Importantly, the State Department of Fish and Wildlife and the United States Army Corps of Engineers already strictly regulate construction of new docks as well as maintenance, repair, and modifications to existing docks. These agencies are specifically charged with preserving and protecting fish and fish habitat through permitting requirements that apply to almost all work on docks even certain maintenance and repair activities. In addition, the Army Corps is specifically charged with ensuring safe navigation. The City does have a regulatory role according to the Shoreline Management Act, but the City is not required to duplicate the extensive oversight by State Fish and Wildlife and the Army Corps of Engineers.

In particular, these agencies allow substantial flexibility in the size and shape of docks as long as the agencies are convinced that impacts on fish are mitigated. City attempts to create unique mitigation requirements are inappropriate and unnecessary. These agencies have the expertise, the budget, and the legal mandate to protect fish. And, these agencies are in fact comprehensively implementing that mandate. Thus, any City requirements beyond the basic standards below will create unnecessary duplication, will result in City decisions based on less knowledge and expertise, and will cause conflicts with the standards and mitigation requirements imposed by the agencies.

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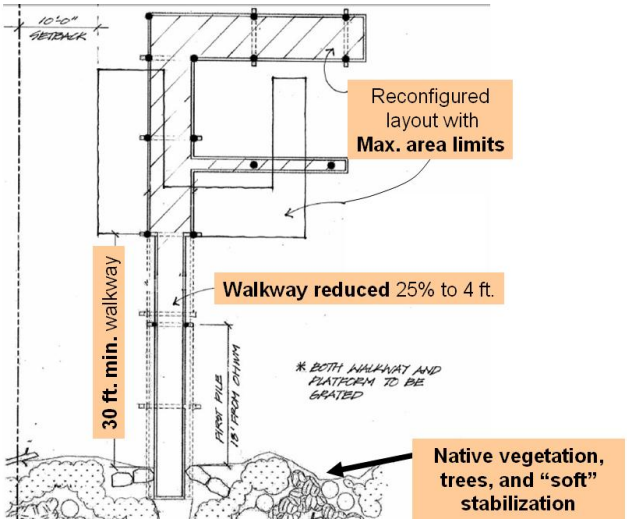
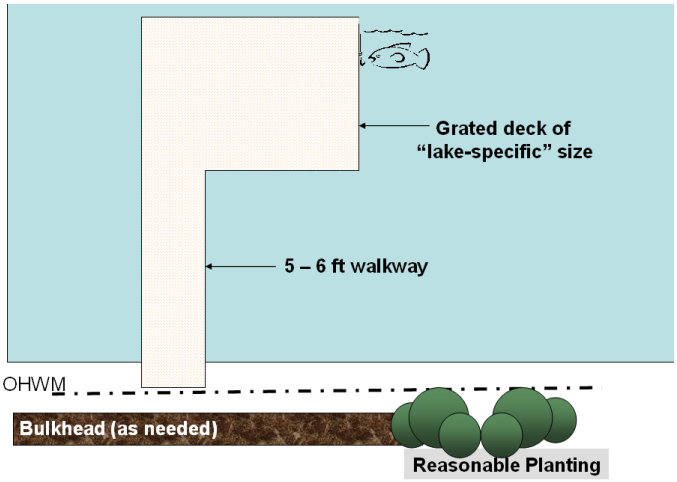
Figure 8 - Example of Excessive Versus Reasonable Dock Requirements



<<<<<< Excessive

Reasonable >>>>>



POLICIES:

Residential properties shall be allowed to construct and repair docks that assure safe and adequate recreational moorage and access.

Property owners should be allowed to work with higher level agencies to establish facility design and conditions acceptable to these agencies. Only their letter(s) of approval should be needed to gain City approval.

KEY STANDARDS:

1. **LENGTH: Maximum 100 feet, except the maximum length may be extended up to 150 feet or longer if necessary to reach point where water depth is 10 feet at mean low water.**

2. **AREA: Maximum should be Lake Washington 1000 square feet, Lake Sammamish 750 square feet, Phantom Lake 400 square feet.**

3. **PIERS, WALKWAYS, & RAMPS: Should be no narrower than 5 ft. wide to safely accommodate reasonable passage of persons moving along these access ways, unless the applicant requests otherwise.**

4. **BOAT LIFTS: Up to four boat lifts allowed.**

5. **SETBACK: 10 feet from property lines.**