

20.25E.280 Definitions Specific to the Shoreline Overlay District.

In addition to the definitions in Chapter 20.50 LUC, the following definitions apply only in the Shoreline Overlay District. General definitions not applicable in the Shoreline Overlay District are noted in the text of the general definitions listed in Chapter 20.50 LUC. Additionally, the definitions set forth in RCW 90.58.030, as amended, and Chapter 173-26 WAC, as amended, shall also apply.

Accessory structure. Any structure incidental and subordinate to a primary structure and located on the same lot or development site as the primary use.

Agricultural Land. Means those specific land areas on which agricultural activities are conducted as of [Insert date of adoption] as evidenced by aerial photography or other documentation. After [Insert date of adoption], land converted to agricultural use is subject to compliance with the requirements of the master program.

Comment [hb1]: WAC 173-26-020

Aquatic Lands. Means all tidelands, shorelands, harbor areas, and the beds of navigable waters.

Comment [j2]: RCW 79.105.060(1)

Associated Wetlands. Associated wetlands are wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

Comment [hb3]: WAC 173-22-030(1).

Beach. The zone of unconsolidated material that is moved by waves and wind currents, extending from the waters edge to the vegetation line.

Community Club. A community club is a recreation-focused, water related community organization whose members consist of residents or moorage slip owners of a specified area. The community club use includes social gathering space and facilities, administration and facility offices, group activities, social support, public information, and other community uses. Community Clubs also include member and guest parking and typical community club social activities, including food and beverage services for members and guests, social gatherings, and meetings. Community Clubs also provide water-related experiences to persons who would not otherwise have access to the water. Community clubs must provide a moorage as a primary use.

Comment [dp4]: P.C. Direction. Planning Commission direction given on November 17, 2010.

Dock. A structure that is attached to land and serves a function of providing moorage and access to deeper water. Components of a dock include, but are not limited to pilings, walkways, stringers, joists, and moorage platforms.

Dock, Existing. A legally established dock maintained and kept in good working order.

Dock Expansion. An increase in the surface area of a dock or number of piling.

Dock Bumpers. A vertical material, consisting of periodic strips installed at regular intervals in the moorage area to prevent small boats from drifting under the dock, which is designed as part of the dock, and is intended to protect users from hazards created at variable water heights and to prevent dock and watercraft wear or damage. Dock bumpers do not extend below the established ordinary high water mark.

Dock Surface. The floor or walking surface of a dock walkway or moorage platform.

Ecological Functions. Means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-201 (2)(c)

Comment [hb5]: WAC 173-26-020

Ecosystem-wide Processes. Means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Comment [hb6]: WAC 173-26-020

Enhancement. Means alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions.

"Fair market value" of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

Comment [dp7]: WAC 173-27-030

Fill. Means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Comment [hb8]: WAC 173-26-020

"Height" is the vertical distance measured from the average grade level elevation of the existing grade around the building to the highest point of a flat roof, or to the ridge of a pitched roof structure; ~~P~~rovided, ~~t~~hat television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included; ~~p~~rovided further, ~~t~~hat temporary construction equipment is excluded in this calculation;

Comment [dp9]: WAC 173-27-030

Light Penetrable Materials, Dock. Construction materials that allow the passage of light. Light penetrable materials include, but are not limited to, grating, skylights, and translucent fabrics and panels.

Marina, Private. Uses at a private marina include boat moorage, boat storage, boat maintenance, boat repair, retail boat and parts sales, boat launching, administration and facility offices, retail sale of boating-related items (including food and beverage), restrooms, and facility parking. Marinas also provide parking areas for automobiles, waste collection, boat sales or rental activities, retail establishments including vessel fueling services, and boat repair or servicing facilities. The Marina use is not intended to support heavy commercial and industrial uses; however, limited non water-oriented commercial uses should be allowed when part of a mixed-use marina development that incorporates public access and ecological restoration.

Comment [dp10]: P.C. Direction. Planning Commission direction given on November 17, 2010.

Marina, Public. A public marina use is a publically-owned, recreational boating facility where the primary emphasis is to provide moorage and grant public access to water-oriented recreation. Public marinas are allowed only through approval of a Park Master Plan that provides oversight to the development and operation of the marina, including the range of uses allowed. Public marinas may provide parking areas for automobiles, administration and facility offices, waste collection, rental activities, and other recreational boating activities, including minor boat repair to moored vessels.

Comment [dp11]: P.C. Direction. Planning Commission direction given on November 17, 2010.

Minimum Necessary, Dock. The minimum overwater area and length needed to provide the intended function of the structure.

Nonwater-Oriented Uses. Means any use not identified as water-oriented.

Comment [hb12]: WAC 173-26-020

Ordinary High Water Mark (OHWM). 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 the City or the Department of Ecology.

Comment [hb13]: RCW 90-58-030(2)(b)

Public Access. Means the ability of the public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations.

Comment [hb14]: WAC 173-26-221(4)

Reconfiguration, Dock. A modification to the location, footprint or layout of an existing dock.

Replacement, Dock. The reconstruction of an existing dock in the same location and same configuration.

Shorelands and Shoreland Areas. Shorelands and shoreland areas are those areas extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands associated with the streams and lakes.

Comment [hb15]: RCW 90.58.030

Shoreline Areas and Shoreline Jurisdiction. Shoreline areas and shoreline jurisdiction means all shorelines described in LUC 20.25E010.C.2, "shorelines of the state," and "shorelands."

Comment [hb16]: WAC 173-26

Shoreline Development. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any stage of water level.

Comment [hb17]: RCW 90.58.030

Shoreline Functions. See "ecological functions."

Shorelines. All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them: except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Comment [hb18]: RCW 90.58.030

Shorelines of Statewide Significance. Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark and those natural rivers or segments thereof where the mean annual flow is measured at one thousand cubic feet per second or more. Shorelines of statewide significance in Bellevue include lakes Sammamish and Washington.

Comment [hb19]: RCW 90.58.030

Shorelines of the State. The total of all "shorelines" and "shorelines of state-wide significance" within the state.

Comment [hb20]: RCW 90.58.030

Skirting, Dock. An architectural feature of a dock designed to hide the structural elements by extending below the established ordinary high water mark.

Structure. A combination of materials constructed and erected permanently or temporarily on or under the ground or attached to something having a permanent location on, above, or below the surface of the ground or water. Not included are

residential fences, retaining walls less than 30 inches in height, rockeries less than 30 inches in height and similar improvements of a minor character.

Visual Access. Improvements that provide a view of the shoreline or water, but do not allow physical access to the shoreline.

Comment [hb21]: WAC 173-26-221-(4)d(i)

Water-Dependent use. A use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

Comment [hb22]: WAC 173-26-020

Water-Enjoyment use. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Comment [hb23]: WAC 173-26-020

Water-Oriented use. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

Comment [hb24]: WAC 173-26-020

Water-Related use. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

Comment [hb25]: WAC 173-26-020

(a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

(b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Yacht Club. A yacht club is a water-dependent recreational boating club that provides water access and moorage to the club's members and guests. Uses at a yacht club uses include boat moorage, social gathering space and facilities, small boat storage and launching, sanitary waste collection, service and repair to moored boats, member and guest parking, and typical yacht club social activities including food and beverage services for members and guests, social gatherings, and meetings. Additional activities may include cultural, educational, and charitable elements related to recreational boating, including hosting of water-related public/private organizations and events, boating and sailing instructions, and providing water enjoyment experiences to some who would not have access to the water. Yacht Clubs are not intended to support commercial, industrial, mixed-use, or general public access, except as required by the SMP.

Comment [dp26]: P.C. Direction. Planning Commission direction given on November 17, 2010.