

## SHORELINE MASTER PROGRAM SUBMITTAL CHECKLIST

THIS CHECKLIST IS FOR USE BY LOCAL GOVERNMENTS TO SATISFY THE REQUIREMENTS OF WAC 173-26-201(3)(A), RELATING TO SUBMITTAL OF SHORELINE MASTER PROGRAMS (SMPS) FOR REVIEW BY THE DEPARTMENT OF ECOLOGY (ECOLOGY) UNDER CHAPTER 173-26 WAC. THE CHECKLIST DOES NOT CREATE NEW OR ADDITIONAL REQUIREMENTS BEYOND THE PROVISIONS OF THAT CHAPTER.

CITY OF BELLEVUE SHORELINE MASTER PROGRAM UPDATE..... ERROR! BOOKMARK NOT DEFINED.

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## INSTRUCTIONS

This checklist is intended to help in preparation and review of local shoreline master programs (SMPs). Local governments shall include a completed checklist with all locally-approved SMPs submitted to Ecology for review and approval. See WAC 173-26-201(3)(a).

Information should be provided at the top of the checklist that identifies which local jurisdiction and specific amendment (e.g. comprehensive update, environment re-designation or other topic) the checklist is submitted for, and who prepared it. Please indicate in the location column where in the SMP (or other documents) the requirement is satisfied. If adopting other regulations by reference, identify which specific adopted version of a local ordinance is being used, and attach a copy of the ordinance.

**SMP submittals:** For draft submittals, local governments may use the checklist's Comments column to note any questions or concerns about proposed language. Ecology may then use the Comment field to respond as needed (*see example below*).

Ecology has attempted to make this checklist an accurate and concise summary of rule requirements; however, the agency must rely solely on state statutes (RCWs) and rules (WACs) when approving or denying a shoreline program. This checklist does not create new or additional requirements beyond the provisions of state laws and rules. See WAC 173-26-201(3)(a).

### EXAMPLE: Use of the Comments column for a draft submittal

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                     | LOCATION                                                                                                  | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <b>High-intensity environment designation criteria:</b> Areas within incorporated municipalities, Urban Growth Areas, and "rural areas of more intense development" (see RCW 36.70A.070) that currently support or are planned for high-intensity water-dependent uses. WAC 173-26-211(5)(d)(iii) | Urban Industrial, p. 15<br>Urban Mixed, p. 18<br><br>Also see Appendix B, Use Analysis, Chapter 3, p. 12. | <b>Local government:</b> SMP includes two urban designations that meet high intensity criteria (Urban Industrial, Urban Mixed). These alternative designations allow more specificity for public access, view and amenity requirements for the mixed use areas.<br><br><i>[Ecology example]</i><br><b>Non-Compliant:</b><br><i>The City...</i><br><b>Required or Recommended Change:</b><br><i>The SMP-Guidelines...</i> |

|                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <b>Acronyms and abbreviations</b><br><br>comp plan: Comprehensive Plan<br>CUP: Conditional Use Permit<br>SMA: Shoreline Management Act, RCW 90.58<br>SMP: Shoreline Master Program<br>SSWS: Shorelines of Statewide Significance<br>WAC: Washington Administrative Code | <b>For more information</b><br><br>SMA (Ch. 90.58 RCW):<br><a href="http://apps.leg.wa.gov/rcw/default.aspx?cite=90.58">http://apps.leg.wa.gov/rcw/default.aspx?cite=90.58</a><br><br>Guidelines (Ch. 173-26, Part III WAC):<br><a href="http://apps.leg.wa.gov/wac/default.aspx?cite=173-26">http://apps.leg.wa.gov/wac/default.aspx?cite=173-26</a><br><br>Ecology's Shoreline Planners Toolbox:<br><a href="http://www.ecy.wa.gov/programs/sea/shorelines/smp/toolbox.html">www.ecy.wa.gov/programs/sea/shorelines/smp/toolbox.html</a><br><br>Ecology SMA Policy Lead: Peter Skowlund: (360) 407-6522 |
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## SHORELINE MASTER PROGRAM SUBMITTAL CHECKLIST

Prepared for: City of Bellevue (City)

Name of Amendment: City of Bellevue Shoreline Master Program Update

Prepared by: Land Use Division Director Carol Helland, in consultation with The Watershed Company (Sarah Sandstrom and Dan Nickel), as directed by the Bellevue City Council to include the ultimate policy choices made by the Council within the range of discretion provided by the Washington State Shoreline Management Act and Shoreline Guidelines, in accordance with legal advice from Lacey Hatch of the Bellevue City Attorney's Office. Submitted on December 30, 2015.

Date: 12/28/2015

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                           | LOCATION                                                                                                  | COMMENTS                                                                                                           |
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| <b>DOCUMENTATION OF SMP DEVELOPMENT PROCESS</b>                                                                                                                                                                                                                         |                                                                                                           |                                                                                                                    |
| <b>PUBLIC INVOLVEMENT, COMMUNICATION, AND COORDINATION</b>                                                                                                                                                                                                              |                                                                                                           |                                                                                                                    |
| Documentation of <b>public involvement</b> throughout SMP development process. WAC 173-26-201(3)(b)(i) and WAC 173-26-090 and 100. For SSWS, see WAC 173-26-251(3)(a).                                                                                                  | Public Involvement throughout the SMP summarized in Resolution 8922<br><br>Public Involvement and Comment | <i>Document COB SMP 000001-COB SMP000007</i><br><i>Document COB SMP022946 – COB SMP 027642</i>                     |
| Documentation of <b>communication with state agencies and affected Indian tribes</b> throughout SMP development. WAC 173-26-201(3)(b)(ii) and (iii), WAC 173-26-100(3). For saltwater shorelines, see WAC 173-26-221(2)(c)(iii)(B). For SSWS, see WAC 173-26-251(3)(a). | Shoreline Inventory and Characterization Appendix A                                                       | <i>Document COB SMP 000263-COB SMP000501</i>                                                                       |
| Demonstration that critical areas regulations for shorelines are based on the SMA and the guidelines, and assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. WAC 173-26-221(2)(b)(ii),(iii) and (c). EHB 1653.     | 20.25E.060.G and 20.25H, Critical Areas Overlay District, as amended by the Conformance Amendment.        | <i>Document COB SMP 000074</i><br><i>Document COB SMP 000201- COB SMP 000234</i><br><i>Document COB SMP 010959</i> |
| Documentation of process to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private <b>property rights</b> . See <i>"State of Washington, Attorney General's</i>                                                      | 20.25E.010.A<br><br>20.25E.010.C.1                                                                        | <i>Document COB SMP 000034</i><br><i>Document COB SMP 000035</i><br><i>Document COB SMP 000092</i>                 |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | LOCATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p><i>Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property."</i> WAC 173-26-186(5).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>20.25E.065.F.4</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>As with all proposed amendments to development regulations, the City Attorney's office reviewed the content of the shoreline update regulations to ensure they constitute a proper use of the City's policy power to adopt and enforce regulations under the federal and state constitutions. Additionally, the City Attorney's office reviewed the shoreline update regulations to ensure they comply with applicable statutory authority and do not otherwise conflict with existing regulations. In this case, the final resolution adopted by the City Council for Ecology review was reviewed with the above considerations in mind, as well as for consistency with the Shoreline Management Act and the guidelines contained in Chapter 173-26 WAC which contain the specific requirements governing the content of the City's Shoreline Master Program Update. Provisions were also added to the proposed Shoreline Master Program Update requiring permit administration to respect property right and regulate only to an extent that is consistent with all relevant constitutional and other legal limitations.</p> |
| <p><b>Final submittal</b> includes:</p> <ul style="list-style-type: none"> <li>Evidence of local government approval (or a locally approved "statement of intent to adopt");</li> <li>New and/or amendatory text, environment designation maps (with boundary descriptions and justification for changes based on existing development patterns, biophysical capabilities and limitations, and the goals and aspirations of the local citizenry);</li> <li>A summary of the proposal together with staff reports and supporting materials;</li> <li>Evidence of SEPA compliance;</li> <li>Copies of all comments received and a record of names and addresses of interested parties involved in local processes. WAC 173-26-110.</li> </ul> | <p>A hard copy of the Bellevue Shoreline Master Program Update Submittal is being provided for Ecology's review and approval (Attachment C of the Bellevue SMP Update Submittal). The hard copy submittal of the Bellevue SMP Update specifically includes Resolution No. 8922, SMP Policies, SMP Regulations, SMP Conformance Amendments, Jurisdictional Maps, Environment Designation Maps, Inventory and Analysis, Cumulative Impact Analysis and Restoration Plan. All hard copy materials in addition to other explanatory documents and materials are included in electronic format, and an outline describing the content and locations of these documents is also included with the Bellevue SMP Update Submittal as Attachment B.</p> | <p><i>Document COB SMP 000001- COB SMP 001217</i></p> <p><i>Document COB SMP 000001- COB SMP 027642</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | LOCATION                                               | COMMENTS                                                |
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| Submittal must include clear identification and transmittal of all provisions that make up the SMP. <i>This checklist, if complete, meets this requirement.</i> WAC 173-26-210(3)(a) and (h).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                        |                                                         |
| <b>SHORELINE INVENTORY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                        |                                                         |
| <p><b>Inventory</b> of existing data and materials. WAC 173-26-201(3)(c)(i) through (x).</p> <p><b>Inventory of all “shorelines of the state”:</b> Include lists and map(s) of all SMA marine, riverine, and lacustrine water bodies, including “shorelands”, “floodways”, and “floodplains”. RCW 90.58.030(2) &amp; WAC’s 173-18-044, 173-20-044, 173-22-050, 173-26-211(b, c, d).</p> <p>For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(A)&amp;(B).</p>                                                                                                                                                                                                                                                                                                                                                                                                                  | Shoreline Inventory (See Shoreline Inventory Mapfolio) | <i>Document COB SMP 000263- Document COB SMP 000501</i> |
| <b>SHORELINE ANALYSIS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                        |                                                         |
| <p><b>Characterization</b> of shoreline ecosystems and their associated ecological functions that:</p> <ul style="list-style-type: none"> <li>Identifies ecosystem-wide processes and ecological functions;</li> <li>Assesses ecosystem-wide processes to determine their relationship to ecological functions;</li> <li>Identifies specific measures necessary to protect and/or restore the ecological functions and ecosystem-wide processes. WAC 173-26-201(3)(d)(i)(A).</li> </ul> <p>Demonstration of how characterization was used to prepare master program policies and regulations that achieve no net loss of ecological functions necessary to support shoreline resources and to plan for restoration of impaired functions. WAC 173-26-201(3)(d)(i)(E).</p> <p>For vegetation, see WAC 173-26-221(5). For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(B).</p> | See Shoreline Analysis Report (2009)                   | <i>Document COB SMP 000263- Document COB SMP 000501</i> |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | LOCATION                                    | COMMENTS                                                       |
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| <p>Description of data gaps, assumptions made and risks to ecological functions associated with SMP provisions. WAC 173-26-201(2)(a).</p> <p>Characterization includes maps of inventory information at appropriate scale. WAC 173-26-201(3)(c).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                             |                                                                |
| <p><b>Use analysis</b> estimating future demand for shoreline space and potential use conflicts based on characterization of current shoreline use patterns and projected trends. Evidence that SMP ensures adequate shoreline space for projected shoreline preferred uses. Public access needs and opportunities within the jurisdiction are identified. Projections of regional economic need guide the designation of "high intensity" shoreline. WAC 173-26-201(3)(d)(ii) &amp; (v); WAC 173-26-211(5)(d)(ii)(B)</p> <p>For SMPs that allow <b>mining</b>, demonstration that siting of mines is consistent with requirements of WAC 173-26-241(3)(h)(i).</p> <p><u>For shorelines of the state:</u></p> <p>Evidence the SMP preserves adequate shorelands and submerged lands to accommodate current and projected demand for <b>economic resources of statewide importance</b> (e.g., commercial shellfish beds and navigable harbors) based on statewide or regional analyses, requirements for essential public facilities, and comment from related industry associations, affected Indian tribes, and state agencies. <u>RCW 90.58.100.</u> Evidence that <b>public access and recreation</b> requirements are based on demand projections that take into account activities of state agencies and interests of the citizens to visit public shorelines with special scenic qualities or cultural or recreational opportunities. WAC 173-26-251(3)(c)(ii) &amp; (iii).</p> <p><u>For shorelines of statewide significance:</u></p> | <p>See Shoreline Analysis Report (2009)</p> | <p><i>Document COB SMP 000263- Document COB SMP 000501</i></p> |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | LOCATION                                                   | COMMENTS                                              |
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| <p><b>Optimum implementation</b> directives incorporated into comp plan and development regulations. <u>RCW 90.58.100</u>. For <b>GMA</b> jurisdictions, SMP recreational provisions are consistent with growth projections and level-of-service standards contained in comp plan. WAC 173-26-241(3)(i).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                            |                                                       |
| <p><b>Restoration plan</b> that:</p> <ul style="list-style-type: none"> <li>Identifies degraded areas, impaired ecological functions, and potential restoration sites;</li> <li>Establishes restoration goals and priorities, including SMP goals and policies that provide for restoration of impaired ecological functions;</li> <li>Identifies existing restoration projects and programs;</li> <li>Identifies additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources;</li> <li>Sets timelines and benchmarks for implementing restoration projects and programs;</li> <li>Provides mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals. WAC 173-26-186(8)(c); 201(2)(c)&amp;(f).</li> </ul> <p>For critical freshwater habitats: incentives to restore water connections impeded by previous development. WAC 173-26-221(2)(c)(iv)(C)(III).</p> <p>For <b>SSWS</b>, identification of where natural resources of statewide importance are being diminished over time, and master programs provisions that contribute to the restoration of those resources. WAC 173-26-251(3)(b).</p> | <p>See Shoreline Restoration Plan (2013; Updated 2015)</p> | <p><i>Document COB SMP 001056- COB SMP 001217</i></p> |
| <p>Evidence that each <b>environment designation</b> is consistent with guidelines criteria [WAC 173-26-211(5)], as well as existing use pattern, the biological and physical character</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Shoreline Policies SH-1 – SH-15<br/>20.25E.010.D</p>    | <p><i>Document COB SMP 000013- COB SMP 000018</i></p> |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | LOCATION                                                                                                             | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>of the shoreline and the goals and aspirations of the community. WAC 173-26-211(2)(a). WAC 173-26-110(3).</p> <p>Lands designated as “forest lands of long-term significance” under RCW 36.70A.170 are designated either natural or rural conservancy shoreline environment designations. WAC 173-26-241(3)(e).</p> <p>For <b>SSWS</b>, demonstration that environment designation policies, boundaries, and use provisions implement SMA preferred use policies of RCW 90.58.020(1) through (7). WAC 173-26-251(3)(c)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>20.25E.030 (Shoreline Use Charts)</p>                                                                             | <p><i>Document COB SMP 000037- COB SMP 000041</i><br/> <i>Document COB SMP 000045- COB SMP 000055</i></p> <p>Shoreline Environment Designations include Aquatic, Urban Conservancy, Shoreline Residential, Urban Conservancy-Open Space, Shoreline Residential Canal, and Recreational Boating. Of these, the latter three represent modifications of WAC-defined environment designations in order to acknowledge the unique characteristics of certain City shorelines. These alternative designations are consistent with the intent of the WAC environment designation system, and ensure that designations align with the existing uses and environmental characteristics of their designated shoreline areas.</p>                                                                                                                                                                                                                                                                     |
| <p>Assessment of how proposed policies and regulations cause, avoid, minimize and mitigate <b>cumulative impacts</b> to achieve no net loss. Include policies and regulations that address platting or subdividing of property, laying of utilities, and mapping of streets that establish a pattern for future development. Evaluation addresses:</p> <p>(i) <i>current circumstances</i> affecting the shorelines and relevant natural processes;</p> <p>(ii) reasonably <i>foreseeable future development</i> and use of the shoreline (including impacts from unregulated activities, exempt development, and other incremental impacts); and</p> <p>(iii) <i>beneficial effects</i> of any established regulatory programs under other local, state, and federal laws. WAC 173-26-201(3)(d)(iii) and WAC 173-26-186(8)(d).</p> <p>For jurisdictions with critical saltwater habitats, identification of methods for monitoring conditions and adapting management practices to new information. WAC 173-26-221(2)(c)(iii)(B).</p> <p>For <b>SSWS</b>, evidence that standards ensuring protection of ecological resources of statewide importance consider</p> | <p>20.25E.060.D</p> <p>Development standards for shoreline uses and modifications, 20.25E.050 through 20.25E.080</p> | <p><i>Document COB SMP 000068 - COB SMP 000072</i><br/> <i>Document COB SMP 000064-COB SMP 000151</i></p> <p>The SMP includes a requirement for mitigation sequencing analysis as part of applications for a Shoreline Conditional Use Permit, Shoreline Variance, and as part of a Shoreline Special Report, or as required for a site-specific mitigation plan.</p> <p>Although demonstration of mitigation sequencing is not required on a per-permit basis for Shoreline Substantial Development Permits and Shoreline Exemptions, both general standards (e.g. dimensional standards and setbacks) and development standards specific to individual shoreline uses and modifications are built on the premise of avoidance, minimization, and mitigation. These standards have been strengthened to meet the no net loss standard on a cumulative basis. Please refer to the Cumulative Impacts Analysis for a full analysis.</p> <p><i>Document COB SMP 000945-COB SMP 001055</i></p> |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | LOCATION                                                                                                                  | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| cumulative impacts of permitted development. WAC 173-26-251(3)(d)(i).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>SMP CONTENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Any <b>goals</b> adopted as part of the SMP are consistent with the SMA. <i>(Note: Goal statements are not required.)</i>                                                                                                                                                                                                                                                                                                                                                                                                                            | Shoreline Policies<br>– Page 1                                                                                            | Not required, but see SMP Element Goals in policy document.<br><i>Document COB SMP 000008</i>                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Policies</b> (A) are consistent with guidelines and policies of the SMA; (B) address elements of RCW 90.58.100; (C) include policies for environment designations, accompanied by a map or physical description of designation boundaries in sufficient detail to compare with comprehensive plan land use designations; and (D) are consistent with constitutional and other legal limitations on regulation of private property. WAC 173-26-191(2)(a)(i).<br><br>SMP implements <b>preferred use</b> policies of the SMA. WAC 173-26-201(2)(d). | See policy document (SH-1 – SH-108)                                                                                       | <i>Document COB SMP 000008- COB SMP 000033</i>                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Regulations:</b> (A) are sufficient in scope and detail to ensure the implementation of the SMA, SMP guidelines, and SMP policies; (B) include environment designation regulations; (C) include general regulations, use regulations that address issues of concern in regard to specific uses, and shoreline modification regulations; and, (D) are consistent with constitutional and other legal limitations on the regulation of private property. WAC 173-26-191(2)(a)(ii).                                                                  | (A) 20.25E.010.A-C<br>(B) 20.25E.060.B.2<br>(C) 20.25E.010 - .280<br>(D) 20.25E.010.A<br>20.25E.010.C.1<br>20.25E.065.F.4 | <i>Document COB SMP 000034-COB SMP 000037</i><br><i>Document COB SMP 000037-COB SMP 000041</i><br><i>COB_SMP000034-000200 May_18_2015 Council SMP Transmittal REGULATIONS</i><br><i>Document COB SMP 000034</i><br><i>Document COB SMP 000035</i><br><i>Document COB SMP 000092</i><br><br>The SMP was revised to ensure the validity of the rebuttable presumption through the SMP provisions. It is now supported under the City's CIA.<br><i>Document COB SMP 000945-COB SMP 001055</i> |
| <b>Height Limitation:</b> SMP prohibits buildings and structures >35 feet in height obstructing views of residences, with exceptions. RCW 90.58.320.                                                                                                                                                                                                                                                                                                                                                                                                 | 20.25E.050.A<br>20.25E.050.D<br>20.25E.280                                                                                | <i>Document COB SMP 000065-COB SMP 000065</i><br><i>Document COB SMP 000066</i>                                                                                                                                                                                                                                                                                                                                                                                                            |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                 | LOCATION                                               | COMMENTS                                                                                                                                            |
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|                                                                                                                                                                                                                                                                                                                                                                               |                                                        | <i>Document COB SMP 000197</i>                                                                                                                      |
| <b>ENVIRONMENT DESIGNATIONS</b>                                                                                                                                                                                                                                                                                                                                               |                                                        |                                                                                                                                                     |
| <b>Each environment designation includes:</b> Purpose statements, classification criteria, management policies, and regulations (types of shoreline uses permitted, conditionally permitted, and prohibited; building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards). WAC 173-26-211(2)(4). | Shoreline Policies SH-1 – SH-15<br>20.25E.010.D.1 - .6 | <i>Document COB SMP 000013-COB SMP 000018</i><br><i>Document COB SMP 000037-COB SMP 000040</i>                                                      |
| An up-to-date <b>map</b> accurately depicting environment designation boundaries. If necessary, include common boundary descriptions. WAC 173-26-211(2)(b); WAC 173-26-110(3).                                                                                                                                                                                                | Environment Designation Map Folio                      | <i>Document COB SMP 000238- COB SMP 000262</i>                                                                                                      |
| Statement that <b>undesigned shorelines</b> are automatically assigned a conservancy environment designation. WAC 173-26-211(2)(e).                                                                                                                                                                                                                                           | 20.25E.010.D                                           | <i>Document COB SMP 000037-COB SMP 000040</i><br><i>Document COB SMP 000238- COB SMP 000262</i><br>All shorelines in the City have been designated. |
| <b>NATURAL ENVIRONMENT WAC 173-26-211(5)(a)</b>                                                                                                                                                                                                                                                                                                                               |                                                        |                                                                                                                                                     |
| <b>Designation criteria:</b> Shorelines that are ecologically intact and performing functions that could be damaged by human activity, are of particular scientific or educational interest, or are unable to support human development without posing a safety threat. WAC 173-26-211(5)(a)(iii).                                                                            | N/A                                                    |                                                                                                                                                     |
| <b>Prohibition</b> on new:<br><br>Uses that would substantially degrade ecological functions or natural character of shoreline. WAC 173-26-211(5)(a)(ii)(A).<br><br>Commercial uses; industrial uses; nonwater oriented recreation; roads, utility corridors, and parking areas. WAC 173-26-211(5)(a)(ii)(B).                                                                 | N/A                                                    |                                                                                                                                                     |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                        | LOCATION | COMMENTS |
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| Development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions. WAC 173-26-211(5)(a)(ii)(G).<br>Subdivision of property in a configuration that will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. WAC 173-26-211(5)(a)(ii)(G). |          |          |
| For <b>single family residential development</b> : limits on density and intensity to protect ecological functions, and requirement for CUP. WAC 173-26-211(5)(a)(ii)(C).                                                                                                                                                                                            | N/A      |          |
| For <b>commercial forestry</b> : requirement for CUP, requirement to follow conditions of the State Forest Practices Act. WAC 173-26-211(5)(a)(ii)(D).                                                                                                                                                                                                               | N/A      |          |
| For <b>agriculture</b> : low intensity use allowed if subject to appropriate limits or conditions to assure that the use does not expand or practices don't conflict with purpose of the designation. WAC 173-26-211(5)(a)(ii)(E).                                                                                                                                   | N/A      |          |
| <b>Low intensity public uses</b> such as scientific, historical, cultural, educational research uses, and water-oriented recreational access allowed if ecological impacts are avoided. WAC 173-26-211(5)(a)(ii)(F).                                                                                                                                                 | N/A      |          |
| <b>RURAL CONSERVANCY ENVIRONMENT WAC 173-26-211(5)(b)</b>                                                                                                                                                                                                                                                                                                            |          |          |
| <b>Designation criteria</b> : areas outside municipalities or UGAs with: (A) low-intensity, resource-based uses, (B) low-intensity residential uses, (C) environmental limitations such as steep banks or floodplains, (D) high recreational or cultural value, or (E) low-intensity water-dependent uses. WAC 173-26-211(5)(b)(iii).                                | N/A      |          |
| Restrictions on <b>use and development that would degrade or permanently deplete resources</b> . Water dependent and water enjoyment recreation facilities are preferred uses. Low intensity, water-oriented commercial                                                                                                                                              | N/A      |          |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | LOCATION                                                                                                                                                                                                                                                                                                                                                                 | COMMENTS                                                                                                                                              |
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| <p>and industrial uses limited to areas where those uses have located in the past or at sites that possess conditions and services to support the development. WAC 173-26-211(5)(b)(ii)(A) and (B).</p> <p>For SMPs that allow mining, see WAC 173-26-241(3)(h).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                       |
| <p>Prohibition on <b>new structural shoreline stabilization and flood control works</b> except where there is documented need to protect an existing primary structure (provided mitigation is applied) or to protect ecological functions. WAC 173-26-211(5)(b)(ii)(C).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                      | N/A                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                       |
| <p>Development standards for <b>residential use</b> that preserve existing character of the shoreline. Density, lot coverage, vegetation conservation and other provisions that ensure no net loss of shoreline ecological functions.</p> <p>Density or lot coverage limited to a maximum of ten percent total impervious surface area within the lot or parcel, or alternative standard that maintains the existing hydrologic character of the shoreline. (May include provisions allowing greater lot coverage for lots legally created prior to the adoption of a master program prepared under these guidelines, if lot coverage is minimized and vegetation is conserved.) WAC 173-26-211(5)(b)(ii)(D).</p> | N/A                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                       |
| <b>AQUATIC ENVIRONMENT WAC 173-26-211(5)(c)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                       |
| <p><b>Designation criteria:</b> Areas waterward of the ordinary high-water mark (OHWM). WAC 173-26-211(5)(c)(iii).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 20.25E.010.D.1.b                                                                                                                                                                                                                                                                                                                                                         | Document COB SMP 000037                                                                                                                               |
| <p><b>New over-water structures:</b></p> <p>Allowed only for water-dependent uses, public access, or ecological restoration. WAC 173-26-211(5)(c)(ii)(A).</p> <p>Limited to the minimum necessary to support the structure's intended use. WAC 173-26-211(5)(c)(ii)(B).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Policy document (SH-2, SH- 21);</p> <p>20.25E.060.D.2.a (mitigation sequencing)</p> <p>20.25E.065.H (residential moorage)</p> <p>20.25E.080.B.3.c (breakwaters)</p> <p>20.25E.080.E.4.c.iv(non-residential moorage, boat ramps, and launches)</p> <p>20.25E.070.C.3.c.i (recreational facilities),</p> <p>20.25E.070.C.3.g.ii.(4) (overwater structures accessory</p> | <p>COB_SMPA000008-000033 May_18_2015 Council SMP Transmittal POLICIES</p> <p>COB_SMP000034-000200 May_18_2015 Council SMP Transmittal REGULATIONS</p> |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                  | LOCATION                                                                                                                                                                                                                                             | COMMENTS                                                                                                                                                                                        |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                | to recreational facilities)<br>20.25E.070.D.3.f.i (bridges/culverts)                                                                                                                                                                                 |                                                                                                                                                                                                 |
| <b>Multiple use</b> of over-water facilities encouraged. WAC 173-26-211(5)(c)(ii)(C).                                                                                                                                                                                                                                                                                                                                                          | Policy document (SH-90) and intro paragraph to Piers and Docks policies                                                                                                                                                                              | <i>COB_SMPA000008-000033 May_18_2015 Council SMP Transmittal POLICIES</i>                                                                                                                       |
| <b>Location and design</b> of all developments and uses required to:<br><br>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. WAC 173-26-211(5)(c)(ii)(D).<br><br>Prevent water quality degradation and alteration of natural hydrographic conditions. WAC 173-26-211(5)(c)(ii)(F). | Policy document (SH-3, 4, 6, 16, 18, 39, 41-46, 47-52, 58, 62, 64, 70, 72, 79-82, 84-88, 93, 99, 103, 104-108)<br><br>20.25E.070.B.2.a, b, c, d, g, j (Aquaculture)<br><br>20.25E.070.C.3.b.iv, c (Recreation)<br><br>20.25E.080.B.3.b (Breakwaters) | <i>COB_SMPA000008-000033 May_18_2015 Council SMP Transmittal POLICIES</i><br><br><br><i>COB_SMP000034-000200 May_18_2015 Council SMP Transmittal REGULATIONS</i>                                |
| <b>Uses that adversely impact ecological functions</b> of critical saltwater and freshwater habitats limited (except where necessary for other SMA objectives, and then only when their impacts are mitigated). WAC 173-26-211(5)(c)(ii)(E).                                                                                                                                                                                                   | Policy document SH-1<br><br>Numerous regulations in the SMP restrict uses and modifications either in certain environment designations and/or in certain habitat types.                                                                              | See CIA for analysis of impacts. <i>COB_SMP000945-001055 Cumulative Impacts Analysis Document COB SMP 000013</i><br><i>COB_SMP000034-000200 May_18_2015 Council SMP Transmittal REGULATIONS</i> |
| <b>HIGH-INTENSITY ENVIRONMENT WAC 173-26-211(5)(d)</b>                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                 |
| <b>Designation criteria:</b> Areas within incorporated municipalities, “UGAs,” and “rural areas of more intense development” (see RCW 36.70A.070) that currently support or are planned for high-intensity water-dependent uses. WAC 173-26-211(5)(d)(iii).                                                                                                                                                                                    | N/A                                                                                                                                                                                                                                                  |                                                                                                                                                                                                 |
| <b>Priority</b> given first to water dependent uses, then to water-related and water-enjoyment uses. New non-water oriented uses prohibited except as part of mixed use developments, or where they do not conflict with or limit opportunities for water oriented uses or where there is no direct access to the shoreline. WAC 173-26-211(5)(d)(ii)(A).                                                                                      | N/A                                                                                                                                                                                                                                                  |                                                                                                                                                                                                 |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | LOCATION                                                                                                                                                                                                     | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Full <b>use of existing urban areas required</b> before expansion of intensive development allowed. WAC 173-26-211(5)(d)(ii)(B).                                                                                                                                                                                                                                                                                                                                                                             | N/A                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>New development</b> does not cause net loss of shoreline ecological functions. Environmental cleanup and restoration of the shoreline to comply with relevant state and federal laws assured. WAC 173-26-211(5)(d)(ii)(C).                                                                                                                                                                                                                                                                                | N/A                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Visual and physical public access</b> required where feasible. Sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers to achieve aesthetic objectives. WAC 173-26-211(5)(d)(ii)(D) and (E).                                                                                                                                                                                                                       | N/A                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>URBAN CONSERVANCY ENVIRONMENT WAC 173-26-211(5)(e)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Designation criteria:</b> Areas within incorporated municipalities, UGAs, and “rural areas of more intense development” not suitable for water-dependent uses but suitable for water-related or water-enjoyment uses, are flood plains, have potential for ecological restoration, retain ecological functions, or have potential for development that incorporates ecological restoration. WAC 173-26-211(5)(e)(iii).                                                                                    | 20.25E.010.D.2.a                                                                                                                                                                                             | <i>Document COB SMP 000038</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Allowed uses</b> are primarily those that preserve natural character of area, promote preservation of open space, floodplain or sensitive lands, or are appropriate for restoration. WAC 173-26-211(5)(e)(ii)(A).</p> <p>Priority given to water oriented uses over non-water oriented uses. For shoreline areas adjacent to commercially navigable waters, water dependent uses given highest priority. WAC 173-26-211(5)(e)(ii)(D).</p> <p>For SMPs that allow mining, see WAC 173-26-241(3)(h).</p> | <p>See 20.25E.030 (shoreline use charts – process reflects appropriateness of uses and prioritization through review process)</p> <p>Also, see “Shoreline Environment Designation Policies” SH-1 – SH-15</p> | <p><i>Document COB SMP 000045- COB SMP 000055</i></p> <p>20.25E.020A.2 Shoreline Use Preferences states that, priority is given for water-dependent recreation and commercial uses as well as public access and single-family residential development.</p> <p><i>Document COB SMP 000042</i></p> <p>20.25E.020.D states that uses not identified in the use chart are specifically prohibited.</p> <p><i>Document COB SMP 000044</i></p> <p><i>Document COB SMP 000013- COB SMP 000018</i></p> |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                           | LOCATION                                                                                                                                                                                                                                                             | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>Standards</b> for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications that ensure new development does not result in a net loss of shoreline ecological functions or degrade other shoreline values. WAC 173-26-211(5)(e)(ii)(B).                  | 20.25E.060.B (no net loss), D (mitigation sequencing), K (vegetation conservation), and L (water quality)<br>20.25E.080 (shoreline modifications, including F – shoreline stabilization)<br><br>Also, see “Shoreline Environment Designation Policies”, SH-1 – SH-15 | See CIA for analysis of impacts. <i>COB_SMP000945-001055 Cumulative Impacts Analysis</i><br><i>Document COB SMP 000067- COB SMP 000085</i><br><i>Document COB SMP 000133- COB SMP 000151</i><br><i>Document COB SMP 000013- COB SMP 000018</i>                                                                                                                                                                |
| <b>Public access</b> and recreation required where feasible and ecological impacts are mitigated. WAC 173-26-211(5)(e)(ii)(C).                                                                                                                                                                          | 20.25E.060.I Public Access<br><br>Also, see “Shoreline Environment Designation Policies”, SH-1 – SH-15 and SH-17                                                                                                                                                     | <i>Document COB SMP 000076- COB SMP 000079</i><br><i>Document COB SMP 000013- COB SMP 000018</i>                                                                                                                                                                                                                                                                                                              |
| <b>SHORELINE RESIDENTIAL ENVIRONMENT WAC 173-26-211(5)(f)</b>                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Designation criteria:</b> Areas within incorporated municipalities, UGAs, “rural areas of more intense development”, and “master planned resorts” (see RCW 36.70A.360) that are predominantly residential development or planned and platted for residential development. WAC 173-26-211(5)(f)(iii). | 20.25E.010.D.4 - .5                                                                                                                                                                                                                                                  | <i>Document COB SMP 000039- COB SMP 000040</i>                                                                                                                                                                                                                                                                                                                                                                |
| <b>Standards</b> for density or minimum frontage width, setbacks, buffers, shoreline stabilization, critical areas protection, and water quality protection assure no net loss of ecological function. WAC 173-26-211(5)(f)(ii)(A).                                                                     | 20.25E.065.B – G for dimensional standards, shoreline stabilization, critical areas protection, water quality protection<br><br>Also, see “Shoreline Environment Designation Policies”, SH-1 – SH-15                                                                 | <i>Document COB SMP 000066- COB SMP 000105</i><br>Shoreline residential standards substantially revised to meet no net loss (see CIA for analysis). See also 20.25E.050 Dimensional Requirements for setback, lot coverage, building height, and impervious surface standards by environment designation.<br><i>Document COB SMP 000064- COB SMP 000067</i><br><i>Document COB SMP 000013- COB SMP 000018</i> |
| Multifamily and multi-lot residential and recreational developments provide <b>public access</b> and joint use for community recreational facilities. WAC 173-26-211(5)(f)(ii) (B).                                                                                                                     | 20.25E.070.C.3.d.ii requires that new or expanded public recreational facilities shall provide public access<br><br>Also see Policy SH-17                                                                                                                            | <i>Document COB SMP 000117</i><br><i>Document COB SMP 000018</i><br><br>WAC 173-26(5)(f)(ii)(B) provides that multifamily and multi-lot residential developments “should” provide public access.” Under the definition of “should” in WAC 173-26-020(35), “should” means that the particular action is “required unless there is a demonstrated                                                               |

| STATE RULE (WAC) REQUIREMENTS | LOCATION | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                               |          | <p>compelling reason based on the policy of the Shoreline Management Act and this chapter, against taking the action.” There are multiple compelling reasons for not taking the action as a component of the Bellevue SMP. First, under RCW 90.58.020(5), the only public access policy of the Act calls for “[i]ncrease [in] public access” only to “publicly owned areas of the shorelines.” A parallel provision of RCW 90.58.100(2)(b) provides that “master programs shall include, when appropriate”...[a] public access element making provision for public access to publicly owned areas. Second, the Shoreline Guidelines in the Governing principle of WAC 173-26-186(5) and several other sections of the Guidelines provide that shoreline regulatory in local master programs may not “unconstitutionally infringe upon private property rights”. The provisions of the Guidelines related to public access to shorelines specifically recognize that public access planning or requirements must be consistent with “protecting private property rights”, WAC 173-26-221(4)(b), and all relevant constitutional and other legal limitations that protect private property rights, WAC 173-26-221(4)(c). Decisions by the United States Supreme Court in the <i>Nollan</i>, <i>Dolan</i>, and <i>Koontz</i> cases make clear that a regulatory requirements that the owner of private property provide public access that does not correspond in terms of “nexus” and “rough proportionality” to loss of public access caused by the private property owner violate the federal constitution. <i>Nollan v. California Coastal Commission</i>, 483 U.S. 825 (1987); <i>Dolan v. City of Tigard</i>, 512 U.S. 374 (1994); and <i>Koontz v. St. Johns River Water Management District</i>, 570 U.S. Slip Cover No. 11-1447 (2013). Third, even if the Guidelines did not contain these private property rights qualifications, the applicable constitutional and other legal limitations would directly limit state and local shoreline regulatory actions.</p> <p>The City of Bellevue has only limited amounts of land that are zoned multifamily within shoreline jurisdiction. The inventory breaks down reaches by comp plan</p> |

| STATE RULE (WAC) REQUIREMENTS | LOCATION | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                               |          | <p>designation. We have the data per water body and report as a percent of total area for each shoreline area:</p> <p>Lake WA= 10.2 Acres or 4.8%</p> <p>Lake Samm= 2.0 Acres or 1.7%</p> <p>Mercer/Lower Kelsey= 104.5 or 23%</p> <p>Phantom Lake= 0.1 Acres or .05%</p> <p>All of these areas are either developed with MF, under parks ownership, or highly encumbered by critical areas (typically wetlands). (COB_SMP000263-000501 Shoreline Inventory and Analysis).</p> <p>As a result of the limited Multifamily zoned property and property available for short platting into 4 or more lots within shoreline jurisdiction, the City of Bellevue has chosen to provide shoreline public access through a deliberate program of parks land acquisition and maintenance. Refer to the Comprehensive Plan Parks Element for a map of City Parks and Open Space and Waterfront Initiatives planned by the City. A copy of this map has been included at the end of this submittal checklist and can also be found at the following link.<br/> <a href="http://www.bellevuewa.gov/pdf/PCD/12_Parks_Recreation_and_Open_Space_FINAL_20150807.pdf">http://www.bellevuewa.gov/pdf/PCD/12_Parks_Recreation_and_Open_Space_FINAL_20150807.pdf</a></p> <p>On lake Sammamish, the map alone does not adequately depict the range of access opportunities available on the waterfront that is located within the jurisdictions of three cities, King County and the State of Washington. Just north of the Bellevue City Limits, is Marymoor Park (King County) and Idylwood Park (City of Redmond). Just south of the Bellevue city limits is Timberlake Park (City of Issaquah) and Sammamish State Park (State of Washington). In addition, two private parks are also located within the Bellevue city limits (SAMBICA and Vasa Parks) that provide additional access opportunities to the Sammamish waterfront.</p> <p>A detailed narrative on waterfront access goals and objectives for the City of Bellevue can be found in the Parks &amp; Open Space System Plan. A copy of the Waterfront Access section has been included at the end</p> |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                        | LOCATION                                                                                                                                                            | COMMENTS                                                                                                                                                                                                                                              |
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|                                                                                                                                                                                                                                                                      |                                                                                                                                                                     | of the submittal checklist and the full Parks & Open Space Plan can also be found at the following link.<br><a href="http://www.bellevuewa.gov/pdf/Parks/2010-park-plan-update.pdf">http://www.bellevuewa.gov/pdf/Parks/2010-park-plan-update.pdf</a> |
| <b>Access, utilities, and public services</b> required to be available and adequate to serve existing needs and/or planned future development. WAC 173-26-211(5)(f)(ii)(C).                                                                                          | 20.25E.160.D Decision Criteria, which requires that proposals for shoreline permits be served by adequate public facilities and comply with the Comprehensive Plan. | <i>Document COB SMP 000173- COB SMP 000174</i>                                                                                                                                                                                                        |
| <b>Commercial development</b> limited to water oriented uses. WAC 173-26-211(5)(f)(ii)(D).                                                                                                                                                                           | See 20.25E.030 for extent of uses allowed in residential environment                                                                                                | Commercial uses are prohibited in the Shoreline Residential environment.<br><i>Document COB SMP 000045- COB SMP 000055</i>                                                                                                                            |
| <b>GENERAL POLICIES AND REGULATIONS</b>                                                                                                                                                                                                                              |                                                                                                                                                                     |                                                                                                                                                                                                                                                       |
| <b>Moratoria.</b> Under the authority of RCW 90.58.590, local governments may adopt moratoria or other interim official controls lasting up to six months. →                                                                                                         | These controls may be extended twice. <b><i>These official controls are <u>not adopted</u> as part of a shoreline master program.</i></b> →                         | Public hearings, notice to Ecology, and other requirement are set forth in RCW 90.58.590.                                                                                                                                                             |
| <b>ARCHAEOLOGICAL AND HISTORICAL RESOURCES WAC 173-26-221(1)</b>                                                                                                                                                                                                     |                                                                                                                                                                     |                                                                                                                                                                                                                                                       |
| Developers and property owners required to <b>stop work</b> and notify the local government, state office of archaeology and historic preservation, and affected Indian tribes if archaeological resources are uncovered during excavation. WAC 173-26-221(1)(c)(i). | 20.25E.060.F.2.a                                                                                                                                                    | <i>Document COB SMP 000073</i>                                                                                                                                                                                                                        |
| Permits issued in areas documented to contain archaeological resources require <b>site inspection</b> or evaluation by a professional archaeologist in coordination with affected Indian tribes. WAC 173-26-221(1)(c)(ii).                                           | 20.25E.060.F.2.b                                                                                                                                                    | <i>Document COB SMP 000073</i>                                                                                                                                                                                                                        |
| <b>CRITICAL AREAS WAC 173-26-221(2)</b>                                                                                                                                                                                                                              |                                                                                                                                                                     |                                                                                                                                                                                                                                                       |
| <b>Policies and regulations</b> for critical areas (designated under GMA) located within shorelines of the state that <ul style="list-style-type: none"> <li>Are consistent with SMP guidelines</li> </ul>                                                           | See SH-30 and SH-31, Policies for Critical Areas in Shoreline Jurisdiction                                                                                          | <i>Document COB SMP 000020</i>                                                                                                                                                                                                                        |
|                                                                                                                                                                                                                                                                      | 20.25E.060.G                                                                                                                                                        | <i>Document COB SMP 000074</i>                                                                                                                                                                                                                        |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | LOCATION                                                                                                           | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                             |
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| <ul style="list-style-type: none"> <li>Provide a level of protection equal to critical areas within shorelines that satisfy the no <b>net loss of ecological functions</b> requirement, as provided by the local government's existing critical area regulations adopted pursuant to the GMA for comparable areas other than shorelines. WAC 173-26-221(2)(a) and (c).</li> </ul> <p><b>Planning objectives</b> are for protection <i>and restoration</i> of degraded ecological functions and ecosystem-wide processes. <b>Regulatory provisions</b> <i>protect</i> existing ecological functions and ecosystem-wide processes. WAC 173-26-221(2)(b)(iv).</p> <p>Critical area provisions <b>promote human uses and values</b>, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions. WAC 173-26-221(2)(b)(v).</p> | <p>See also conformance amendments to Part 20.25E which amend Part 20.25H to be consistent with the SMP Update</p> | <p>COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments</p>                                                                                                                                                                                                                                                                                                                      |
| <p>If SMP includes <b>optional expansion</b> of jurisdiction: Clear description of the inclusion of any land necessary for buffers of critical areas that occur within shorelines of the state, accurately depicting new SMP jurisdiction consistent with RCW 90.58.030(2)(f)(ii) and WAC 173-26-221(2)(a).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>20.25E.080.F.4.h</p>                                                                                            | <p>Document COB SMP 000148</p> <p>Shoreline jurisdiction and setbacks and buffers are measured from the OHWM, pursuant to RCW 90.58.030(2)(d), with the exception of setbacks on Lake Sammamish, where setbacks are measured from a fixed elevation for the purposes of measuring upland structures (but not for locating residential moorages or shoreline stabilization) See 20.25E.065.E.1.b.</p> |
| <b>WETLANDS WAC 173-26-221(2)(c)(i)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>Wetlands <b>definition</b> is consistent with WAC 173-22.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>20.25H.095.A</p> <p>CAO incorporated by reference in SMP Update At 20.25E.060.G</p>                             | <p>Document COB SMP010959 Critical Areas Overlay District</p> <p>COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments</p> <p>Document COB SMP 000074</p>                                                                                                                                                                                                                         |
| <p>Provisions requiring wetlands <b>delineation</b> method are consistent with WAC 173-22-035.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>20.25E refers to CAO (20.25H) that defers to application submittal requirements.</p>                            | <p>Document COB SMP 000074</p> <p>Document COB SMP010959 Critical Areas Overlay District</p>                                                                                                                                                                                                                                                                                                         |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                         | LOCATION                                                                                                                          | COMMENTS                                                                                                                                                                                                                                                                        |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                   | COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments                                                                                                                                                                                                        |
| Regulations address all <b>uses and activities</b> listed in WAC 173-26-221(2)(c)(i)(A) to achieve no net loss of wetland area and functions, including lost time when the restoration does not perform the functions. WAC 173-26-221(2)(c)(i)(A) + (C).                                                                                                                                                                                                              | See Critical Areas Code 20.25H.050, .055, and .095. "Lost time"<br><br>Element addressed through 20.25H.105.C (Mitigation ratios) | Document COB SMP010959 Critical Areas Overlay District<br>COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments                                                                                                                                              |
| Wetlands <b>rating</b> or categorization system is based on rarity, irreplaceability, and/or sensitivity to disturbance of a wetland and the functions the wetland provides. Use Ecology Rating System or regionally specific, scientifically based method. WAC 173-26-221(2)(c)(i)(B)]                                                                                                                                                                               | 20.25H.095.B                                                                                                                      | Document COB SMP010959 Critical Areas Overlay District<br>COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments                                                                                                                                              |
| <b>Wetland Buffer</b> requirements are adequate to ensure wetland functions are protected and maintained in the long-term, taking into account ecological functions of the wetland, characteristics of the buffer, and potential impacts associated with adjacent land uses. WAC 173-26-221(2)(c)(i)(B). Wetland buffer widths assume a naturally vegetated state; wider buffers or a revegetation plan may be needed if buffer is unvegetated or sparsely vegetated. | 20.25H.095.C.1                                                                                                                    | Document COB SMP010959 Critical Areas Overlay District<br>COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments                                                                                                                                              |
| Wetland <b>mitigation</b> requirements are consistent with WAC 173-26-201(2)(e) and are based on the wetland rating or other scientifically valid means demonstrating replacement of all functions lost (hydrologic, habitat, and water quality). WAC 173-26-221(2)(c)(i)(E) and (F).                                                                                                                                                                                 | 20.25H.105 (wetlands) and 20.25H.210-.215 (generally).                                                                            | Mitigation requirements in those sections are consistent with principles of WAC 173-26-201(2)(e) and are based on the wetland rating.<br><br>Document COB SMP010959 Critical Areas Overlay District<br>COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments |
| <b>Compensatory mitigation</b> allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible.<br><br>Compensatory mitigation requirements include (I) replacement ratios; (II) Performance standards for evaluating success; (III) long-term monitoring and reporting procedures; and (IV) long-term protection and                                                                                     | 20.25H.220.D<br>20.25H.035.A<br>20.25H.095.B.4<br><br>20.25H.095.C.1.                                                             | The City of Bellevue is in the process of updating their CAO which is scheduled to be complete by June 2016.<br><br>Document COB SMP010959 Critical Areas Overlay District<br>COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments                          |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | LOCATION                                                                                         | COMMENTS                                                                                                                                                                                                                  |
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| <p>management of compensatory mitigation sites. WAC 173-26-221(2)(c)(i)(F).</p> <p>Compensatory mitigation requirements are consistent with preference for “in-kind and nearby” replacement, and include requirement for watershed plan if off-site mitigation is proposed. WAC 173-173-26-201(2)(e)(B).</p>                                                                                                                                                                                           |                                                                                                  |                                                                                                                                                                                                                           |
| <b>GEOLOGICALLY HAZARDOUS AREAS WAC 173-26-221(2)(c)(ii)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                  |                                                                                                                                                                                                                           |
| <p>Prohibition of <b>new development</b> and creation of new lots that would:</p> <p>Cause foreseeable risk from geological conditions during the life of the development. WAC 173-26-221(2)(c)(ii)(B);</p> <p>Require structural shoreline stabilization over the life of the development. (Exceptions allowed where stabilization needed to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result.) WAC 173-26-221(2)(c)(ii)(C).</p> | <p>20.25H.125.C – prohibits increase in risk.</p> <p>See 20.25E.060.E.2 and 20.25E.065.B.2.a</p> | <p><i>Document COB SMP010959 Critical Areas Overlay District COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments</i></p> <p><i>Document COB SMP 000073</i></p> <p><i>Document COB SMP 000086</i></p> |
| <p><b>New stabilization structures</b> for existing primary residential structures allowed only where no alternatives (including relocation or reconstruction of existing structures), are feasible, and less expensive than the proposed stabilization measure, and then only if no net loss of ecological functions will result. WAC 173-26-221(2)(c)(ii)(D).</p>                                                                                                                                    | <p>20.25E.080.F.4.a (Shoreline stabilization)</p>                                                | <p><i>Document COB SMP 000146</i></p>                                                                                                                                                                                     |
| <b>CRITICAL SALTWATER HABITATS WAC 173-26-221(2)(c)(iii)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                  |                                                                                                                                                                                                                           |
| <p>Prohibit <b>new docks, bulkheads, bridges, fill, floats, jetties, utility crossings</b> and other structures in or over critical saltwater habitats, except where:</p> <p>Public need is clearly demonstrated;</p> <p>Avoidance of impacts is not feasible or would result in unreasonable cost;</p> <p>The project include appropriate mitigation; and</p>                                                                                                                                         | <p>N/A</p>                                                                                       |                                                                                                                                                                                                                           |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                         | LOCATION                                                                                                                                                                                                                                                    | COMMENTS                                                                                                                                                                                                                                                                                                                                                                       |
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| The project is consistent with resource protection and species recovery.<br>Private, non-commercial docks for individual residential or community use allowed if it is infeasible to avoid impacts by alternative alignment or location and the project results in no net loss of ecological functions. WAC 173-26-221(2)(c)(iii)(C). |                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                |
| Where inventory of critical saltwater habitat has not been done, all over water and near-shore developments in marine and estuarine waters require habitat assessment of site and adjacent beach sections. WAC 173-26-221(2)(c)(iii)(C)                                                                                               | N/A                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                |
| <b>CRITICAL FRESHWATER HABITATS WAC 173-26-221(2)(c)(iv)</b>                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                |
| Requirements that ensure <b>new development</b> within stream channel, channel migration zone, wetlands, floodplain, hyporheic zone, does not cause a net loss of ecological functions. WAC 173-26-221(2)(c)(iv)(C)(I) and WAC 173-26-221(2)(c)(iv)(B)(II).                                                                           | 20.25H includes provisions for new development in streams, wetlands, and floodplains that require mitigation of impacts.<br><br>20.25H.180.C.3 requires that development in areas of hyporheic exchange be located to minimize disruption of such exchange. | <i>Document COB SMP010959 Critical Areas Overlay District COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments</i>                                                                                                                                                                                                                                         |
| Authorization of appropriate <b>restoration projects</b> is facilitated. WAC 173-26-221(2)(c)(iv)(C)(III).                                                                                                                                                                                                                            | 20.25E.065.G<br>20.25E.080.C.1.c<br><br>20.25E.160.E                                                                                                                                                                                                        | Shoreline modification provisions allow more flexibility for restoration actions relative to other actions, particularly for shoreline vegetation and work below the OHWM. The special report process also allows for special consideration for restoration actions.<br><br><i>Document COB SMP 000105</i><br><i>Document COB SMP 000134</i><br><i>Document COB SMP 000174</i> |
| Regulations <b>protect hydrologic connections</b> between water bodies, water courses, and associated wetlands. WAC 173-26-221(2)(c)(iv)(C)(IV).                                                                                                                                                                                      | 20.25H protects hydrologic connections by protecting wetlands, streams, and floodplains.                                                                                                                                                                    | <i>Document COB SMP010959 Critical Areas Overlay District COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments</i>                                                                                                                                                                                                                                         |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                    | LOCATION                                              | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <b>FLOOD HAZARD REDUCTION WAC 173-26-221(3)</b>                                                                                                                                                                                                                                                                                                                  |                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| New <b>development within the channel migration zone or floodway</b> limited to uses and activities listed in WAC 173-26-221(3)(b) and (3)(c)(i).                                                                                                                                                                                                                | 20.25H.180.C.5<br>20.25H.180.C.6                      | New development in the regulatory floodway is prohibited.<br>Alteration of open stream channels shall be allowed only in accordance with habitat improvement projects.<br><i>Document COB SMP010959 Critical Areas Overlay District COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments</i>                                                                                                                              |
| <b>New structural flood hazard reduction</b> measures allowed only:<br><br>Where demonstrated to be necessary, and when non-structural methods are infeasible and mitigation is accomplished;<br>Landward of associated wetlands and buffer areas except where no alternative exists as documented in a geotechnical analysis. WAC 173-26-221(3)(c)(ii) & (iii). | See 20.25H.055.C.2 and C.3.c, and .180.C.             | <i>Document COB SMP010959 Critical Areas Overlay District COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments</i>                                                                                                                                                                                                                                                                                                        |
| New <b>publicly funded dikes or levees</b> required to dedicate and improve public access (see exceptions). WAC 173-26-221(3)(c)(iv).                                                                                                                                                                                                                            | 20.25E.060.I                                          | 20.25E.060.I requires that proposals for new development, reconstruction, or expansion of public transportation, utilities, and parks incorporate public access. Insofar as this requirement applies in the City of Bellevue, it is covered under this provision.<br><i>Document COB SMP010959 Critical Areas Overlay District COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments</i><br><i>Document COB SMP 000076</i> |
| <b>Removal of gravel for flood control</b> allowed only if biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction, no net loss of ecological functions, and extraction is part of a comprehensive flood management solution. WAC 173-26-221(3)(c)(v).                                                                  | CAO provisions will govern. See 20.25H.055.B and C.2. | <i>Document COB SMP010959 Critical Areas Overlay District COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments</i>                                                                                                                                                                                                                                                                                                        |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                      | LOCATION                                                                 | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <b>PUBLIC ACCESS WAC 173-26-221(4)</b>                                                                                                                                                                                                                                                                                                                                                             |                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>Applicability:</b> Public access includes the ability of the general 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. WAC 173-26-221(4)(d)(i). For S of SWS the SMP should identify and evaluate all publicly owned shoreline parcels and their suitability for public access.</p> | <p>Shoreline Policies SH - 17 , SH-37 – SH-39<br/>20.25E.060.I.1 -.8</p> | <p>WAC 173-26(5)(f)(ii)(B) provides that multifamily and multi-lot residential developments “should” provide public access.” Under the definition of “should” in WAC 173-26-020(35), “should” means that the particular action is “required unless there is a demonstrated compelling reason based on the policy of the Shoreline Management Act and this chapter, against taking the action.” There are multiple compelling reasons for not taking the action as a component of the Bellevue SMP. First, under RCW 90.58.020(5), the only public access policy of the Act calls for “[i]ncrease [in] public access” only to “publicly owned areas of the shorelines.” A parallel provision of RCW 90.58.100(2)(b) provides that “master programs shall include, when appropriate”...[a] public access element making provision for public access to publicly owned areas. Second, the Shoreline Guidelines in the Governing principle of WAC 173-26-186(5) and several other sections of the Guidelines provide that shoreline regulatory in local master programs may not “unconstitutionally infringe upon private property rights”. The provisions of the Guidelines related to public access to shorelines specifically recognize that public access planning or requirements must be consistent with “protecting private property rights”, WAC 173-26-221(4)(b), and all relevant constitutional and other legal limitations that protect private property rights, WAC 173-26-221(4)(c). Decisions by the United States Supreme Court in the <i>Nollan</i>, <i>Dolan</i>, and <i>Koontz</i> cases make clear that a regulatory requirements that the owner of private property provide public access that does not correspond in terms of “nexus” and “rough proportionality” to loss of public access caused by the private property owner violate the federal constitution. <i>Nollan v. California Coastal Commission</i>, 483 U.S. 825 (1987); <i>Dolan v. City of Tigard</i>, 512 U.S. 374 (1994); and <i>Koontz v. St. Johns River Water Management District</i>, 570 U.S. Slip Cover No. 11-1447 (2013). Third, even if the Guidelines did not contain</p> |

| STATE RULE (WAC) REQUIREMENTS | LOCATION | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                               |          | <p>these private property rights qualifications, the applicable constitutional and other legal limitations would directly limit state and local shoreline regulatory actions.</p> <p>The City of Bellevue has only limited amounts of land that are zoned multifamily within shoreline jurisdiction. The inventory breaks down reaches by comp plan designation. We have the data per water body and report as a percent of total area for each shoreline area:</p> <p>Lake WA= 10.2 Acres or 4.8%<br/> Lake Samm= 2.0 Acres or 1.7%<br/> Mercer/Lower Kelsey= 104.5 or 23%<br/> Phantom Lake= 0.1 Acres or .05%</p> <p>All of these areas are either developed with MF, under parks ownership, or highly encumbered by critical areas (typically wetlands). (COB_SMP000263-000501 Shoreline Inventory and Analysis).</p> <p>As a result of the limited Multifamily zoned property and property available for short platting into 4 or more lots within shoreline jurisdiction, the City of Bellevue has chosen to provide shoreline public access through a deliberate program of parks land acquisition and maintenance. Refer to the Comprehensive Plan Parks Element for a map of City Parks and Open Space and Waterfront Initiatives planned by the City. A copy of this map has been included at the end of this submittal checklist and can also be found at the following link.<br/> <a href="http://www.bellevuewa.gov/pdf/PCD/12_Parks_Recreation_and_Open_Space_FINAL_20150807.pdf">http://www.bellevuewa.gov/pdf/PCD/12_Parks_Recreation_and_Open_Space_FINAL_20150807.pdf</a></p> <p>On lake Sammamish, the map alone does not adequately depict the range of access opportunities available on the waterfront that is located within the jurisdictions of three cities, King County and the State of Washington. Just north of the Bellevue City Limits, is Marymoor Park (King County) and Idylwood Park (City of Redmond). Just south of the Bellevue city limits is Timberlake Park (City of Issaquah) and Sammamish State Park (State of Washington). In addition, two private parks are also</p> |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                              | LOCATION                                                                                                                                                        | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                                                                                                                                                                                                                            |                                                                                                                                                                 | <p>located within the Bellevue city limits (SAMBICA and Vasa Parks) that provide additional access opportunities to the Sammamish waterfront.</p> <p>A detailed narrative on waterfront access goals and objectives for the City of Bellevue can be found in the Parks &amp; Open Space System Plan. A copy of the Waterfront Access section has been included at the end of the submittal checklist and the full Parks &amp; Open Space Plan can also be found at the following link.<br/> <a href="http://www.bellevuewa.gov/pdf/Parks/2010-park-plan-update.pdf">http://www.bellevuewa.gov/pdf/Parks/2010-park-plan-update.pdf</a></p> <p><i>Document COB SMP 000018- COB SMP 000021</i><br/> <i>Document COB SMP 000076- COB SMP 000079</i></p> |
| Policies and regulations protect and enhance both <b>physical and visual access</b> . WAC 173-26-221(4)(d)(i).                                                                                                             | 20.25E.060.I.2, .4, and .6,<br>Also see Shoreline Policies SH - 17, SH-37 – SH-39                                                                               | <p><i>Document COB SMP 000076- COB SMP 000079</i><br/> <i>Document COB SMP 000018- COB SMP 000021</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Public entities</b> are required to incorporate public access measures as part of each development project, unless access is incompatible with safety, security, or environmental protection. WAC 173-26-221(4)(d)(ii). | 20.25E.060.I.1 -.8<br>20.25E.070.C.3.d.ii<br>20.25E.070.D.3.c; .070.D.3.d.iv; .070.D.3.f.iii<br>20.25E.070.D.4.b.i<br>20.25E.070.E.3.b.vi<br>20.25E.070.E.4.b.i | <p>The provisions listed require that all proposals for new development, reconstruction, replacement or expansion of public transportation, utilities, and parks projects, as well as new or expanded public recreational facilities, provide public access.</p> <p><i>Document COB SMP 000076- COB SMP 000079</i><br/> <i>Document COB SMP 000117</i><br/> <i>Document COB SMP 000125- COB SMP 000126</i><br/> <i>Document COB SMP 000129</i><br/> <i>Document COB SMP 000130</i><br/> <i>Document COB SMP 000131</i></p>                                                                                                                                                                                                                          |
| Provide standards for the dedication and improvement of public access in developments for water-enjoyment,                                                                                                                 | 20.25E.060.I.1 -.8<br>20.25E.070.C.3.d.ii                                                                                                                       | <p>The provisions listed require that all proposals for new development, reconstruction, replacement or expansion of public transportation, utilities, and parks projects, as</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                              | LOCATION                                                                                                                                                                                                                                            | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <p>water-related, and nonwater-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access should be required [with certain exceptions].</p> | <p>20.25E.070.D.3.c; .070.D.3.d.iv; .070.D.3.f.iii<br/> 20.25E.070.D.4.b.i<br/> 20.25E.070.E.3.b.vi<br/> 20.25E.070.E.4.b.i<br/> 20.25E.080.E.4.c.ix(4)<br/> 20.25E.280<br/> Also see the Shoreline Public Access policies SH-17, SH-37 – SH-39</p> | <p>well as new or expanded public recreational facilities, provide public access.<br/> <i>Document COB SMP 000076- COB SMP 000079</i><br/> <i>Document COB SMP 000117</i><br/> <i>Document COB SMP 000125- COB SMP 000126</i><br/> <i>Document COB SMP 000129</i><br/> <i>Document COB SMP 000130</i><br/> <i>Document COB SMP 000131</i><br/> <i>Document COB SMP 000139</i><br/> <i>Document COB SMP 000198</i><br/> <i>Document COB SMP 000021</i><br/> <i>Document COB SMP 000018- COB SMP 000021</i></p> <p>WAC 173-26(5)(f)(ii)(B) provides that multifamily and multi-lot residential developments “should” provide public access.” Under the definition of “should” in WAC 173-26-020(35), “should” means that the particular action is “required unless there is a demonstrated compelling reason based on the policy of the Shoreline Management Act and this chapter, against taking the action.” There are multiple compelling reasons for not taking the action as a component of the Bellevue SMP. First, under RCW 90.58.020(5), the only public access policy of the Act calls for “[i]ncrease [in] public access” only to “publicly owned areas of the shorelines.” A parallel provision of RCW 90.58.100(2)(b) provides that “master programs shall include, when appropriate”...[a] public access element making provision for public access to publicly owned areas. Second, the Shoreline Guidelines in the Governing principle of WAC 173-26-186(5) and several other sections of the Guidelines provide that shoreline regulatory in local master programs may not “unconstitutionally infringe upon private property rights”. The provisions of the Guidelines related to public access to shorelines specifically recognize that public access planning or requirements must be consistent with “protecting private property rights”, WAC 173-26-221(4)(b), and all relevant</p> |

| STATE RULE (WAC) REQUIREMENTS | LOCATION | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                               |          | <p>constitutional and other legal limitations that protect private property rights, WAC 173-26-221(4)(c). Decisions by the United States Supreme Court in the <i>Nollan</i>, <i>Dolan</i>, and <i>Koontz</i> cases make clear that a regulatory requirements that the owner of private property provide public access that does not correspond in terms of “nexus” and “rough proportionality” to loss of public access caused by the private property owner violate the federal constitution. <i>Nollan v. California Coastal Commission</i>, 483 U.S. 825 (1987); <i>Dolan v. City of Tigard</i>, 512 U.S. 374 (1994); and <i>Koontz v. St. Johns River Water Management District</i>, 570 U.S. Slip Cover No. 11-1447 (2013). Third, even if the Guidelines did not contain these private property rights qualifications, the applicable constitutional and other legal limitations would directly limit state and local shoreline regulatory actions.</p> <p>The City of Bellevue has only limited amounts of land that are zoned multifamily within shoreline jurisdiction. The inventory breaks down reaches by comp plan designation. We have the data per water body and report as a percent of total area for each shoreline area:</p> <p>Lake WA= 10.2 Acres or 4.8%<br/> Lake Samm= 2.0 Acres or 1.7%<br/> Mercer/Lower Kelsey= 104.5 or 23%<br/> Phantom Lake= 0.1 Acres or .05%<br/> All of these areas are either developed with MF, under parks ownership, or highly encumbered by critical areas (typically wetlands). (COB_SMP000263-000501 Shoreline Inventory and Analysis).</p> <p>As a result of the limited Multifamily zoned property and property available for short platting into 4 or more lots within shoreline jurisdiction, the City of Bellevue has chosen to provide shoreline public access through a deliberate program of parks land acquisition and maintenance in addition to incorporating public access into public parks, transportation and utility projects. Refer to the Comprehensive Plan Parks Element for a map of City Parks and Open Space and Waterfront</p> |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                     | LOCATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Initiatives planned by the City. A copy of this map has been included at the end of this submittal checklist and can also be found at the following link.<br/> <a href="http://www.bellevuewa.gov/pdf/PCD/12_Parks_Recreation_and_Open_Space_FINAL_20150807.pdf">http://www.bellevuewa.gov/pdf/PCD/12_Parks Recreation and Open Space FINAL 20150807.pdf</a></p> <p>On Lake Sammamish, the map alone does not adequately depict the range of access opportunities available on the waterfront that is located within the jurisdictions of three cities, King County and the State of Washington. Just north of the Bellevue City Limits, is Marymoor Park (King County) and Idylwood Park (City of Redmond). Just south of the Bellevue city limits is Timberlake Park (City of Issaquah) and Sammamish State Park (State of Washington). In addition, two private parks are also located within the Bellevue city limits (SAMBICA and Vasa Parks) that provide additional access opportunities to the Sammamish waterfront.</p> <p>A detailed narrative on waterfront access goals and objectives for the City of Bellevue can be found in the Parks &amp; Open Space System Plan. A copy of the Waterfront Access section has been included at the end of the submittal checklist and the full Parks &amp; Open Space Plan can also be found at the following link.<br/> <a href="http://www.bellevuewa.gov/pdf/Parks/2010-park-plan-update.pdf">http://www.bellevuewa.gov/pdf/Parks/2010-park-plan-update.pdf</a></p> |
| <p>Maximum height limits, setbacks, and view corridors minimize impacts to existing views from public property or substantial numbers of residences. WAC 173-26-221(4)(d)(iv); RCW 90.58.320.</p> | <p>The City of Bellevue Comprehensive Plan and General Land Use Code (Comprehensive Plan Policies UD-8, UD-9, UD-23, UD-31 and LUC 20.20.010) contain urban design policies and development standards that limit height and volume and require setback of structures citywide. The SMP also includes dimensional requirements specific to the shoreline environments.</p> <p>Chart 20.25E.050.A defines a maximum shoreline building height of 35 feet in all shoreline environments.</p> | <p><i>Document COB SMP 000064- COB SMP 000066</i></p> <p><i>Document COB SMP 000088- COB SMP 000091</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                | LOCATION                                                                                                            | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                | Chart 20.25E.065.C contains dimensional requirements specifically applicable to residential shoreline environments. |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>VEGETATION CONSERVATION (CLEARING AND GRADING) WAC 173-26-221(5)</b>                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Vegetation <b>standards</b> implement the principles in WAC 173-26-221(5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions. WAC 173-26-221(5)(c).                                                                                                                                              | 20.25E.060.K<br>20.25E.065.C – F                                                                                                                                                                                                                                               |                                                                                                                     | Vegetation conservation standards were substantially revised to provide nexus and rough proportionality while meeting the no net loss standard.<br><br>See the CIA discussion ( <i>COB_SMP000945-001055 Cumulative Impacts Analysis</i> ) and the memorandum from The Watershed Company included with this Submittal Checklist as Attachment D.<br><i>Document COB SMP 000088- COB SMP 000091</i><br><i>Document COB SMP 000088- COB SMP 000105</i> |
| Selective <b>pruning</b> of trees for safety and view protection is allowed and removal of noxious weeds is authorized. WAC 173-26-221(5)(c).                                                                                                                                                                                                                                                                                                 | 20.25E.060.K.13 - .15<br>20.25E.065.F.12-.14                                                                                                                                                                                                                                   |                                                                                                                     | <i>Document COB SMP 000083- COB SMP 000084</i><br><i>Document COB SMP 000104- COB SMP 000105</i>                                                                                                                                                                                                                                                                                                                                                    |
| <b>WATER QUALITY WAC 173-26-221(6)</b>                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Provisions protect against <b>adverse impacts to water quality</b> and storm water quantity and ensure mutual consistency between SMP and other regulations addressing water quality. WAC 173-26-221(6).                                                                                                                                                                                                                                      | See policies SH-47 through 52<br>20.25E.060.L (Water quality, stormwater, and nonpoint pollution)<br>20.25E.065.B.2.f (Water quality, stormwater, and nonpoint pollution).                                                                                                     |                                                                                                                     | <i>Document COB SMP 000022- COB SMP 000023</i><br><i>Document COB SMP 000084- COB SMP 000085</i><br><i>Document COB SMP 000087- COB SMP 000088</i><br>See the CIA for discussion of how provisions meet the SMP-Guideline requirement. <i>COB_SMP000945-001055 Cumulative Impacts Analysis</i>                                                                                                                                                      |
| <b>SHORELINE MODIFICATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| SMP: (a) allows structural shoreline modifications only where demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for mitigation or enhancement; (b) limits shoreline modifications in number and extent; (c) allows only shoreline modifications that are appropriate to the specific type of shoreline and | Shoreline Modification Policies, SH-79 – SH-108<br><br>(a) See 20.25E.065.B.2.a (site planning); 20.25E.080.B.2 (breakwaters); F.3 and 4 (shoreline stabilization); and 20.25E.160E (Special Shoreline Report Process).<br><br>(b) See 20.25E.065.H.4 (Residential moorage and |                                                                                                                     | <i>Document COB SMP 000027- COB SMP 000033</i><br>(a)<br><i>Document COB SMP 000086</i><br><i>Document COB SMP 000133- COB SMP 000151</i><br><i>Document COB SMP 000174- COB SMP 000178</i><br>(b)                                                                                                                                                                                                                                                  |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | LOCATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <p>environmental conditions for which they are proposed;<br/>(d) gives preference to those types of shoreline modifications that have a lesser impact on ecological functions. Policies promote "soft" over "hard" shoreline modification measures<br/>(f) incorporates all feasible measures to protect ecological shoreline functions and ecosystem-wide processes as modifications occur;<br/>(g) requires mitigation sequencing.<br/>WAC 173-26-231(2); WAC 173-26-231(3)(a)(ii) and (iii);</p> | <p>overwater structures); .065.H.6 (Boat and Watercraft Lifts and Canopies); .070.C.3.g.ii(4) (overwater structures); .080.B.3.c (breakwaters); .080.C.1.b (clearing, grading, fill), .080.D.3.b (dredging), .080.E.4.c.iv (non-residential moorage), F.(stabilization).</p> <p>(c) See 20.25E.080 (Shoreline Modifications)</p> <p>(d) See 20.25E.080.F.4.b (new or enlarged shoreline stabilization measures)</p> <p>(f) See 20.25E.060.B-D</p> <p>(g) See 20.25E.060.D.2 (Mitigation Sequencing).</p> | <p><i>Document COB SMP 000105- COB SMP 000109</i><br/><i>Document COB SMP 000109- COB SMP 000110</i><br/><i>Document COB SMP 000120</i><br/><i>Document COB SMP 000133-COB SMP 000151</i></p> <p>(c)<br/><i>Document COB SMP 000105- COB SMP 000151</i></p> <p>(d)<br/><i>Document COB SMP 000146</i></p> <p>(f)<br/><i>Document COB SMP 000067- COB SMP 000072</i></p> <p>(g)<br/><i>Document COB SMP 000069</i></p> <p>See additional discussion of the effect of provisions in the CIA. <i>COB_SMP000945-001055 Cumulative Impacts Analysis</i></p> |
| <b>SHORELINE STABILIZATION WAC 173-26-231(3)(a)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Definition:</b> structural and nonstructural methods to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. WAC 173-26-231(3)(a)(i).</p> <p>Definition of new stabilization measures include enlargement of existing structures. WAC 173-26-231(3)(a)(iii)(C), last bullet; WAC 173-26-231(3)(a)(iii)(B)(I), 5<sup>th</sup> bullet).</p>                                           | <p>20.25E.080.F.1 and .080.F.2</p> <p>20.25E.080.F.4</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><i>Document COB SMP 000144- COB SMP 000145</i></p> <p><i>Document COB SMP 000146- COB SMP 000148</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>Standards setting forth <b>circumstances under which shoreline alteration is permitted</b>, and for the design and type of protective measures and devices. WAC 173-26-231(3)(a)(ii).</p>                                                                                                                                                                                                                                                                                                        | <p>20.25E.080.F.4 (New or Enlarged Stabilization Measures - groups enlarged stabilization with new stabilization)</p> <p>20.25E.060E.2</p> <p>20.25E.065.B.2.a</p> <p>20.25E.070.C.3.d.i.</p>                                                                                                                                                                                                                                                                                                            | <p><i>Document COB SMP 000146- COB SMP 000148</i></p> <p><i>Document COB SMP 000073</i></p> <p><i>Document COB SMP 000086</i></p> <p><i>Document COB SMP 000117</i></p>                                                                                                                                                                                                                                                                                                                                                                                |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | LOCATION                                                                                                                                                                                                                                | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Also, see policies SH-104 – SH-108 (shoreline stabilization policies).                                                                                                                                                                  | Document COB SMP 000033<br><br>See additional discussion of the effect of provisions in the CIA. COB_SMP000945-001055 Cumulative Impacts Analysis                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>New development</b> (including newly created parcels) required to be designed and located to prevent the need for future shoreline stabilization, based upon geotechnical analysis.</p> <p>New development on steep slopes and bluffs required to be set back to prevent need for future shoreline stabilization during life of the project, based upon geotechnical analysis.</p> <p>New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is prohibited. WAC 173-26-231(3)(a)(iii)(A).</p> | <p>20.25E.060.E.2<br/>20.25E.065.B.2.a</p> <p>Also see 20.25H.120.B-C (Critical Areas Code – buffers/setbacks from toe/top of slope) and 20.25H.140 ( analysis requirements), and 20.25E.080.F.4 (shoreline stabilization measures)</p> | <p>Document COB SMP 000073<br/>Document COB SMP 000086<br/>Document COB SMP 010959 Critical Areas Overlay District LUC<br/>See additional discussion of the effect of provisions in the CIA. COB_SMP000945-001055 Cumulative Impacts Analysis</p>                                                                                                                                                                                                                                                                                              |
| <p><b>New structural stabilization measures</b> are not allowed except when necessity is demonstrated. Specific requirements for <i>how to demonstrate need</i> are established for:</p> <p>(I) existing primary structures;<br/>(II) new non-water-dependent development including single family residences;<br/>(III) water-dependent development; and<br/>(IV) ecological restoration/toxic clean-up remediation projects. WAC 173-26-231(3)(a)(iii)(B)</p>                                                                                                                                      | <p>20.25E.080.F.4.a</p> <p>Also, see policies SH-104 – SH-108 (shoreline stabilization policies).</p>                                                                                                                                   | <p>Document COB SMP 000146- COB SMP 000148<br/>Document COB SMP 000033</p> <p>20.25E.080.F.4.a identifies limited circumstances where new or enlarged structural stabilization is permitted. The analysis of feasibility requires a report prepared by a qualified professional, that considers site configuration and setting, as well as risk to the primary structure and opportunities to mitigate the risk,</p> <p>See additional discussion of the effect of provisions in the CIA. COB_SMP000945-001055 Cumulative Impacts Analysis</p> |
| Replacement of existing stabilization structures is based on demonstrated need. Waterward encroachment of replacement structure is allowed only for residences occupied prior to January 1, 1992, Or for soft shoreline                                                                                                                                                                                                                                                                                                                                                                             | 20.25E.080.F.5 and .080.F.6                                                                                                                                                                                                             | Document COB SMP 000148- COB SMP 000150                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                       | LOCATION                                                                                                                                                         | COMMENTS                                                                                                                                                                                                                                                               |
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| stabilization measures that provide restoration of ecological functions. WAC 173-26-231(3)(a)(iii)(C).                                                                                              |                                                                                                                                                                  | See additional discussion of the effect of provisions in the CIA. COB_SMP000945-001055 Cumulative Impacts Analysis                                                                                                                                                     |
| <b>Geotechnical reports</b> prepared to demonstrate need include estimates of rate of erosion and urgency (damage within 3 years) and evaluate alternative solutions. WAC 173-26-231(3)(a)(iii)(D). | 20.25E.080.F.3                                                                                                                                                   | Document COB SMP 000145- COB SMP 000146<br><br>Specific requirements include a report from a qualified professional and would be handled through permit application submittal requirements.                                                                            |
| Shoreline stabilization structures are limited to the <b>minimum size</b> necessary. WAC 173-26-231(3)(a)(iii)(E).                                                                                  | 20.25E.060.B<br>20.25E.065.B.2.a<br>20.25E.065.G<br>20.25E.080.F.4.a                                                                                             | Document COB SMP 000067<br>Document COB SMP 000086<br>Document COB SMP 000105<br>Document COB SMP 000146<br>See additional discussion of the effect of provisions in the CIA. COB_SMP000945-001055 Cumulative Impacts Analysis                                         |
| <b>Public access</b> required as part of publicly financed shoreline erosion control measures. WAC 173-26-231(3)(a)(iii)(E).                                                                        | N/A                                                                                                                                                              | City does not publicly finance erosion control.                                                                                                                                                                                                                        |
| <b>Impacts to sediment transport</b> required to be avoided or minimized. WAC 173-26-231(3)(a)(iii)(E).                                                                                             | 20.25E.080.F.4.a.<br>20.25E.080.F.4.c. and d.                                                                                                                    | Document COB SMP 000146- COB SMP 000147<br>20.25E.080.F.4.a. prioritizes avoidance of structural stabilization where feasible. Prioritized implementation of stabilization options in 20.25E.080.F.4.c. and d. supports minimization of impacts to sediment transport. |
| <b>PIERS AND DOCKS WAC 173-26-231(3)(b)</b>                                                                                                                                                         |                                                                                                                                                                  |                                                                                                                                                                                                                                                                        |
| <b>New piers and docks:</b><br><br>Allowed only for water-dependent uses or public access<br>Restricted to the minimum size necessary to serve a proposed water-dependent use.                      | 20.25E.065.H.4 (Residential moorage)<br>20.25E.070.C.3.c.i<br>20.25E.070.C.g.ii(4)<br>20.25E.080.E (Non-residential moorage),<br>Also, see policies SH- 90 – 98. | Document COB SMP 000106- COB SMP 000109<br>Document COB SMP 000116<br>Document COB SMP 000120<br>Document COB SMP 000137- COB SMP 000144<br>Document COB SMP 000031                                                                                                    |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                   | LOCATION                                                                                                                                                                                       | COMMENTS                                                                                                                                                                                                                                                               |
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| <p>Permitted only when specific need is demonstrated (except for docks accessory to single-family residences).</p> <p>Note: Docks associated with single family residences are defined as water dependent uses provided they are designed and intended as a facility for access to watercraft. WAC 173-26-231(3)(b).</p>                                                                                        |                                                                                                                                                                                                | <p>See additional discussion of the effect of provisions in the CIA. COB_SMP000945-001055 Cumulative Impacts Analysis</p>                                                                                                                                              |
| <p>When permitted, <b>new residential development</b> of more than two dwellings is required to provide joint use or community docks, rather than individual docks. WAC 173-26-231(3)(b)</p>                                                                                                                                                                                                                    | 20.25E.065.H.4.b.i. and iii                                                                                                                                                                    | <p>Document COB SMP 000106- COB SMP 000109</p> <p>See additional discussion of the effect of provisions in the CIA. COB_SMP000945-001055 Cumulative Impacts Analysis</p>                                                                                               |
| <p><b>Design, construction &amp; placement</b> of piers, docks, mooring buoys, boat lifts, boat ramps, marine railways, and float plane facilities are required to avoid, minimize and mitigate for impacts to ecological processes and functions and be constructed of approved materials. WAC 173-26-231(3)(b).</p>                                                                                           | <p>20.25E.065.H (residential moorage)</p> <p>20.25E.070.C (recreation)</p> <p>20.25E.080.E. Mitigation plan is required with CUP per 20.25E.080.E.4.b (which refers back to 20.25E.060.D).</p> | <p>Document COB SMP 000106- COB SMP 000109</p> <p>Document COB SMP 000114- COB SMP 000123</p> <p>Document COB SMP 000137- COB SMP 000144</p> <p>See additional discussion of the effect of provisions in the CIA. COB_SMP000945-001055 Cumulative Impacts Analysis</p> |
| <b>FILL WAC 173-26-231(3)(c)</b>                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                |                                                                                                                                                                                                                                                                        |
| <p><b>Definition</b> of “fill” consistent with WAC 173-26-020(14).</p>                                                                                                                                                                                                                                                                                                                                          | 20.25E.280                                                                                                                                                                                     | <p>Document COB SMP 000196</p>                                                                                                                                                                                                                                         |
| <p><b>Location, design, and construction</b> of all fills protect ecological processes and functions, including channel migration. WAC 173-26-231(3)(c).</p>                                                                                                                                                                                                                                                    | 20.25E.25E.080.C.1                                                                                                                                                                             | <p>Document COB SMP 000134- COB SMP 000135</p>                                                                                                                                                                                                                         |
| <p>Fill <b>waterward of the OHWM</b> allowed only by shoreline conditional use permit, for:</p> <ul style="list-style-type: none"> <li>Water-dependent use;</li> <li>Public access;</li> <li>Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;</li> <li>Disposal of dredged material in accordance with DNR Dredged Material Management Program;</li> </ul> | 20.25E.080.C.1.                                                                                                                                                                                | <p>Document COB SMP 000134- COB SMP 000135</p>                                                                                                                                                                                                                         |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                        | LOCATION                                                                                                                          | COMMENTS                                                                                                                                                                                                                                                                                                                        |
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| Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline (if alternatives to fill are shown not feasible);<br>Mitigation action, environmental restoration, beach nourishment or enhancement project. WAC 173-26-231(3)(c). |                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                 |
| <b>BREAKWATERS, JETTIES, AND WEIRS WAC 173-26-231(3)(d)</b>                                                                                                                                                                                                                          |                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                 |
| Structures <b>waterward of the ordinary high-water mark</b> allowed only for water-dependent uses, public access, shoreline stabilization, or other specific public purpose. WAC 173-26-231(3)(d).                                                                                   | 20.25E.080.B.1 (jetties and groins prohibited);<br>20.25E.080.B.2 (breakwaters limited to recreation and non-residential moorage) | <i>Document COB SMP 000133</i>                                                                                                                                                                                                                                                                                                  |
| Shoreline <b>conditional use permit</b> required for all structures except protection/restoration projects. WAC 173-26-231(3)(d).                                                                                                                                                    | 20.25E.080.B.3                                                                                                                    | <i>Document COB SMP 000134- COB SMP 000135</i>                                                                                                                                                                                                                                                                                  |
| Protection of critical areas and appropriate mitigation required. WAC 173-26-231(3)(d).                                                                                                                                                                                              | 20.25E.080.B.3.b, d, e. Refers to CAO – all modifications in shoreline jurisdiction must comply with CAO regulations.             | <i>Document COB SMP 000134- COB SMP 000135</i><br><i>Document COB SMP010959 Critical Areas Overlay District</i><br><i>COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments</i><br>See additional discussion of the effect of provisions in the CIA. <i>COB_SMP000945-001055 Cumulative Impacts Analysis</i> |
| <b>DUNES MANAGEMENT WAC 173-26-231(3)(e)</b>                                                                                                                                                                                                                                         |                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                 |
| <b>Development setbacks</b> from dunes prevent impacts to the natural, functional, ecological, and aesthetic qualities of the dunes. WAC 173-26-231(3)(e).                                                                                                                           | N/A                                                                                                                               |                                                                                                                                                                                                                                                                                                                                 |
| Dune <b>modifications</b> allowed only when consistent with state and federal flood protection standards and result in no net loss of ecological processes and functions. WAC 173-26-231(3)(e).                                                                                      | N/A                                                                                                                               |                                                                                                                                                                                                                                                                                                                                 |
| Dune modification to protect <b>views</b> of the water shall be allowed only on properties subdivided and developed prior to the adoption of the master program and where                                                                                                            | N/A                                                                                                                               |                                                                                                                                                                                                                                                                                                                                 |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                | LOCATION                                                                                 | COMMENTS                                                                                                 |
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| the view is completely obstructed for residences or water-enjoyment uses and where it can be demonstrated that the dunes did not obstruct views at the time of original occupancy. WAC 173-26-231(3)(e).                                                                     |                                                                                          |                                                                                                          |
| <b>DREDGING WAC 173-26-231(3)(f)</b>                                                                                                                                                                                                                                         |                                                                                          |                                                                                                          |
| Dredging and dredge material disposal <b>avoids or minimizes</b> significant ecological impacts. Impacts which cannot be avoided are mitigated. WAC 173-26-231(3)(f).                                                                                                        | 20.25E.080.D.1.-.3                                                                       | Document COB SMP 000136- COB SMP 000137                                                                  |
| <b>New development siting and design</b> avoids the need for new and maintenance dredging. WAC 173-26-231(3)(f).                                                                                                                                                             | 20.25E.080.E.4.c.i.<br>20.25E.080.E.4.g.vi<br>20.25E.065.H.4.b.vi<br>20.25E.070.C.3.e.ii | Document COB SMP 000138<br>Document COB SMP 000142<br>Document COB SMP 000109<br>Document COB SMP 000118 |
| Dredging to <b>establish, expand, relocate or reconfigure navigation channels</b> allowed only where needed to accommodate existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. WAC 173-26-231(3)(f). | N/A                                                                                      |                                                                                                          |
| <b>Maintenance dredging</b> of established navigation channels and basins restricted to maintaining previously dredged and/or existing authorized location, depth, and width. WAC 173-26-231(3)(f).                                                                          | 20.25E.080.D.2.a                                                                         | Document COB SMP 000136                                                                                  |
| <b>Dredging for fill materials</b> prohibited except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a shoreline CUP. Placement of fill must be <i>waterward</i> of OHWM. WAC 173-26-231(3)(f).     | 20.25E.080.D.2.e                                                                         | Document COB SMP 000136- COB SMP 000137                                                                  |
| <b>Uses of dredge material</b> that benefits shoreline resources are addressed. If applicable, addressed through implementation of regional interagency dredge material management plans or watershed plan. WAC 173-26-231(3)(f).                                            | 20.25E.080.D.3.e.-.f                                                                     | Document COB SMP 000136- COB SMP 000137                                                                  |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                         | LOCATION                                                                                                                                                                                                                           | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <b>Disposal within river channel migration zones</b> discouraged, and in limited instances when allowed, require CUP. (Note: not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geo-hydrologic character of the channel migration zone). WAC 173-26-231(3)(f). | N/A                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>SHORELINE HABITAT AND NATURAL SYSTEMS ENHANCEMENT WAC 173-26-231(3)(g)</b>                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Provisions that <b>foster habitat and natural system enhancement projects</b> , provided the primary purpose is restoration of the natural character and functions of the shoreline, and only when consistent with implementation of the restoration plan developed pursuant to WAC 173-26-201(2)(f).                                                                                 | 20.25E.080.C.1.c (Clearing, Grading, Fill)<br>20.25E.080.F.4.g and .h (Shoreline stabilization)<br>20.25E.080.D.2.d, e (Dredging)<br>20.25E.060.K.12 (Vegetation conservation)<br>20.25E.065.F (Shoreline Vegetation Conservation) | <i>Document COB SMP 000134- COB SMP 000135</i><br><i>Document COB SMP 000148</i><br><i>Document COB SMP 000136- COB SMP 000137</i><br><i>Document COB SMP 000080- COB SMP 000084</i><br><i>Document COB SMP 000091- COB SMP 000105</i><br>See additional discussion of the effect of provisions in the CIA. <i>COB_SMP000945-001055 Cumulative Impacts Analysis</i> and the memorandum from The Watershed Company included with this Submittal Checklist as Attachment D. |
| <b>Application For Relief</b> option from expansion of SMA jurisdiction by shoreline restoration projects. RCW 90.58.580.                                                                                                                                                                                                                                                             | 20.25E.080.F.4.g and .h                                                                                                                                                                                                            | <i>Document COB SMP 000148</i>                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>SPECIFIC SHORELINE USES</b>                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>AGRICULTURE WAC 173-26-241(3)(a)</b>                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Use of agriculture related <b>terms</b> is consistent with the specific meanings provided in RCW 90.58.030 and .065.                                                                                                                                                                                                                                                                  | 20.25E.280                                                                                                                                                                                                                         | <i>Document COB SMP 000195- COB SMP 000200</i>                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Provisions address <b>new agricultural activities</b> , conversion of agricultural lands to other uses, and other development not meeting the definition of agricultural activities.<br><br>Provisions assure that development in support of agricultural uses is: (A) consistent with the environment designation; and (B) located and designed to assure no                         | 20.25E.030                                                                                                                                                                                                                         | <i>COB SMP 010959 Critical Areas Overlay District CAO</i>                                                                                                                                                                                                                                                                                                                                                                                                                 |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                          | LOCATION                              | COMMENTS                                                                                                |
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| net loss of ecological functions and not have a significant adverse impact on other shoreline resources and values. WAC 173-26-241(3)(a)(ii) & (v).                                                                                                                                                                                                                    |                                       |                                                                                                         |
| Shoreline <b>substantial development permit</b> is required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv).                                                                                                                                                                                                   | N/A                                   |                                                                                                         |
| <b>Conversion</b> of agricultural land to non-agricultural uses is consistent with the environment designation, and regulations applicable to the proposed use do not result in a net loss of ecological functions. WAC 173-26-241(3)(a)(vi).                                                                                                                          | N/A                                   | Existing agricultural land in Bellevue is associated with publicly owned park uses                      |
| <b>AQUACULTURE WAC 173-26-241(3)(b)</b>                                                                                                                                                                                                                                                                                                                                |                                       |                                                                                                         |
| <b>General Provisions</b>                                                                                                                                                                                                                                                                                                                                              |                                       |                                                                                                         |
| <b>Definition</b> of aquaculture consistent with WAC 173-26-020(6) and -241(3)(b)(i)(A).                                                                                                                                                                                                                                                                               | 20.25E.070 (Specific Use Regulations) | <i>Document COB SMP 000113- COB SMP 000114</i>                                                          |
| Aquaculture is defined as <b>dependent on the use of the water area</b> and, when consistent with control of pollution and prevention of damage to the environment, is a <b>preferred use of the water area</b> . WAC 173-26-241(3)(b)(i)(A).                                                                                                                          | 20.25E.070.B.2.                       | <i>Document COB SMP 000113- COB SMP 000114</i>                                                          |
| SMP recognizes that potential locations for aquaculture are restricted, technology associated with some forms of present-day aquaculture is still in its formative stages and experimental, and recognizes the need for some latitude in the development of this use as well as its potential impact on existing uses and natural systems. WAC 173-26-241(3)(b)(i)(B). | 20.25E.030                            | <i>Document COB SMP 000055</i><br><br>Aquaculture identified as permitted use subject to Shoreline CUP. |
| General ecological siting considerations: Provisions require <b>consideration of local ecological conditions</b> and providing limits and conditions to assure appropriate compatible types of aquaculture for the local conditions                                                                                                                                    | 20.25E.070.B.2.- .3                   | <i>Document COB SMP 000113- COB SMP 000114</i>                                                          |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | LOCATION         | COMMENTS                                           |
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| <p>as necessary to assure no net loss of ecological functions. WAC 173-26-241(3)(b)(i)(A).</p> <p>Aquaculture is not permitted in areas where it would result in a <b>net loss of ecological functions or adversely impact eelgrass and/or macroalgae</b>. Impacts to ecological functions shall be <b>mitigated</b> consistent with the mitigation sequence. Aquacultural <b>facilities</b> should be <b>designed and located so as not to spread disease</b> to native aquatic life, <b>or establish new nonnative species</b> which cause significant ecological impacts. WAC 173-26-241(3)(b)(i)(C).</p>                                                                         |                  |                                                    |
| <p>Aquaculture is not permitted in areas where it would significantly <b>conflict with navigation and other water-dependent uses</b>. WAC 173-26-241(3)(b)(i)(C).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 20.25E.070.B.2.g | Document COB SMP 000113- COB SMP 000114            |
| <p>Aquacultural <b>facilities</b> should not significantly impact the <b>aesthetic qualities</b> of the shoreline. WAC 173-26-241(3)(b)(i)(C).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 20.25E.070.B.2.d | Document COB SMP 000113- COB SMP 000114            |
| <p>Provisions must ensure <b>proper management of upland uses</b> to avoid degradation of <b>water quality</b> of existing shellfish areas. WAC 173-26-241(3)(b)(i)(D).</p> <p>Inventory and characterization must include information specific to siting in-water uses and development, including intertidal property ownership, aquaculture operations, shellfish beds, shellfish protection districts, and areas that meet health shellfish water quality certification requirements. WAC 173-26-201(3)(c)(xi).</p> <p>Review of data and information specific to shellfish areas must also be done as part of the inventory and characterization. WAC 173-26-201(3)(d)(vii).</p> | N/A              | No shellfish areas in Bellevue                     |
| <p>Provisions require reserve of shoreline space for shoreline preferred uses, specifically existing shellfish protection districts and critical habitats. WAC 173-26-211(5)(c)(ii)(G).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A              | No shellfish areas in Bellevue                     |
| <p>Subsistence, commercial and recreational shellfish beds are included in the definition of critical saltwater habitats.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A              | Aquaculture is limited to areas waterward of OHWM. |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                     | LOCATION      | COMMENTS                                                                                                                                                                                                                                  |
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| The inclusion of commercial aquaculture does not limit its regulation as a use. Reserving shoreline areas for protecting and restoring ecological functions should be done prior to reserving shoreline areas for uses. WAC 173-26-221(2)(c)(iii).                                                                                                                                                                                                |               |                                                                                                                                                                                                                                           |
| <b>Commercial geoduck aquaculture siting considerations</b>                                                                                                                                                                                                                                                                                                                                                                                       | N/A           |                                                                                                                                                                                                                                           |
| Commercial geoduck aquaculture should only be allowed where sediments, topography, land and water access support geoduck aquaculture operations <b>without significant clearing or grading</b> . WAC 173-26-241(b)(ii)                                                                                                                                                                                                                            | N/A           |                                                                                                                                                                                                                                           |
| As determined by Attorney General Opinion 2007 No. 1, the planting, growing, and harvesting of farm-raised geoduck clams requires a <b>substantial development permit</b> if a specific product or practice causes substantial interference with normal public use of the surface waters, but not otherwise. WAC 173-26-241(b)(iii)                                                                                                               | N/A           |                                                                                                                                                                                                                                           |
| <b>Conditional use permits are required for new commercial geoduck aquaculture only.</b> Where the applicant proposes to convert existing nongeoduck aquaculture to geoduck aquaculture, the requirement for a conditional use permit is at the discretion of local government. Public notice must be provided to tribes and adjacent property owners. Limits and conditions to achieve no net loss must be used. WAC 173-26-241(b)(iv)(A) - (L). | N/A           |                                                                                                                                                                                                                                           |
| <b>BOATING FACILITIES WAC 173-26-241(3)(c)</b>                                                                                                                                                                                                                                                                                                                                                                                                    |               |                                                                                                                                                                                                                                           |
| <b>Definition:</b> Boating facility standards do not apply to docks serving four or fewer SFRs. WAC 173-26-241(3)(c).                                                                                                                                                                                                                                                                                                                             | 20.25E.080.E. | Document COB SMP 000137- COB SMP 000144<br><br>Boating Facilities per the WAC are equivalent to the City's provisions for non-residential moorage facilities, which do not apply to docks serving four or fewer single-family residences. |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                           | LOCATION                                                                                                                                                                                                                                                           | COMMENTS                                                                                                                                           |
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| Boating facilities <b>restricted to suitable locations</b> . WAC 173-26-241(3)(c)(i).                                                                                                   | 20.25E.080.E.4.B                                                                                                                                                                                                                                                   | <i>Document COB SMP 000137- COB SMP 000144</i>                                                                                                     |
| Provisions ensuring <b>health, safety, and welfare requirements</b> are met. WAC 173-26-241(3)(c)(ii)                                                                                   | 20.25E.080.E.4, particularly c.viii, d.xi, and d.xvi (Non-residential moorage facilities, boat ramps, and launches).<br>Also see, 20.25E.070.C.3.c and e (Recreation)                                                                                              | <i>Document COB SMP 000137- COB SMP 000144</i><br><i>Document COB SMP 000116- COB SMP 000119</i>                                                   |
| Provisions to avoid or mitigate <b>aesthetic impacts</b> . See WAC 173-26-241(3)(c)(iii).                                                                                               | 20.25E.080.E.4.c.iv and x; d.vi, vii, and xi (1) (Non-residential moorage facilities, boat ramps, and launches).<br>Also see, 20.25E.070.C.3.b.iii and iv, c.iv-viii, d.iii-v, e.i.                                                                                | <i>Document COB SMP 000137- COB SMP 000144</i><br><i>Document COB SMP 000116- COB SMP 000119</i>                                                   |
| <b>Public access</b> required in new boating facilities. WAC 173-26-241(3)(c)(iv).                                                                                                      | 20.25E.060.I<br>20.25E.070.C.3.d.ii<br>20.25E.080.E.4.d.xiii<br><br>20.25E.070.C.3.g.ii (Performance standards for new and expanded non-residential moorage), which requires access for substantial number of people including public and/or organization members. | <i>Document COB SMP 000076- COB SMP 000080</i><br><i>Document COB SMP 000116- COB SMP 000119</i><br><i>Document COB SMP 000137- COB SMP 000144</i> |
| Impacts of <b>live-aboard vessels</b> are limited. WAC 173-26-241(3)(c)(v).                                                                                                             | 20.25E.080.E.4.c.viii                                                                                                                                                                                                                                              | <i>Document COB SMP 000138</i>                                                                                                                     |
| Provisions assuring no net loss of ecological functions as a result of development of boating facilities while providing public recreational opportunities. WAC 173-26-241(3)(c)(vi).   | 20.25E.080.E.4.b                                                                                                                                                                                                                                                   | <i>Document COB SMP 000138</i>                                                                                                                     |
| <b>Navigation rights</b> are protected. WAC 173-26-241(3)(c)(vii).                                                                                                                      | 20.25E.080.E.4.d.i and xii                                                                                                                                                                                                                                         | <i>Document COB SMP 000139- COB SMP 000141</i>                                                                                                     |
| <b>Extended moorage</b> on waters of the state without a lease or permission is restricted, and mitigation of impacts to navigation and access is required. WAC 173-26-241(3)(c)(viii). | Use Charts 20.25E.020.D.3 and 20.25E.030 Since extended moorage is not allowed, it is prohibited.<br>20.25E.080.E.4.d.xii regarding navigation.                                                                                                                    | <i>Document COB SMP 000044</i><br><i>Document COB SMP 000045- COB SMP 000055</i><br><i>Document COB SMP 000141</i>                                 |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                   | LOCATION                                                                                                                                                                                         | COMMENTS                                                                                                                                                                                                                                                                                            |
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| <b>COMMERCIAL DEVELOPMENT WAC 173-26-241(3)(d)</b>                                                                                                                                                                                                                                              |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                     |
| <p><b>Preference</b> given first to water-dependent uses, then to water-oriented commercial uses. WAC 173-26-241(3)(d).</p>                                                                                                                                                                     | <p>20.25E.030 (Wholesale and retail uses) and 20.25E.040.G.3.</p>                                                                                                                                | <p><i>Document COB SMP 000051</i></p> <p>Most commercial uses (except water dependent/related/enjoyment) are prohibited. Only allowed uses are residential commercial (e.g., assisted living, nursing homes), some of which require SCUP.</p> <p><i>Document COB SMP 000060- COB SMP 000063</i></p> |
| <p><b>Water-enjoyment and water-related</b> commercial uses required to provide public access and ecological restoration where feasible and avoid impacts to existing navigation, recreation, and public access. WAC 173-26-241(3)(d).</p>                                                      | <p>20.25E.060.I.</p>                                                                                                                                                                             | <p><i>Document COB SMP 000076- COB SMP 000079</i></p>                                                                                                                                                                                                                                               |
| <p>New <b>non-water-oriented commercial uses</b> prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives. WAC 173-26-241(3)(d).</p>                                            | <p>20.25E.030 (Wholesale and retail chart, residential chart, transportation and utilities chart)</p> <p>Also, see Goal 8 and Policies SH-2, SH-5, SH-8, SH-13, SH-27, SH-67, SH-68, SH-78.</p>  | <p><i>Document COB SMP 000051</i></p> <p>20.25E.030 prohibits/restricts non-water-oriented commercial uses.</p> <p><i>Document COB SMP 000008- COB SMP 000033</i></p>                                                                                                                               |
| <p><b>Non-water-dependent commercial uses over water</b> prohibited except in existing structures, and where necessary to support water-dependent uses. WAC 173-26-241(3)(d).</p>                                                                                                               | <p>20.25E.030 (Wholesale and retail chart, residential chart, transportation and utilities chart).</p> <p>Also, see Goal 8 and Policies SH-2, SH-5, SH-8, SH-13, SH-27, SH-67, SH-68, SH-78.</p> | <p><i>Document COB SMP 000051</i></p> <p>20.25E.030 prohibits/restricts non-water-oriented commercial uses.</p> <p><i>Document COB SMP 000008- COB SMP 000033</i></p>                                                                                                                               |
| <b>FOREST PRACTICES WAC 173-26-241(3)(e)</b>                                                                                                                                                                                                                                                    |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                     |
| <p>Forest practices not covered by the Forest Practices Act, especially Class IV-General forest practices involving <b>conversions</b> to non-forest use result in no net loss of ecological functions and avoid impacts to navigation, recreation and public access. WAC 173-26-241(3)(e).</p> | <p>20.25E.020.D.2.b.</p>                                                                                                                                                                         | <p><i>Document COB SMP 000044</i></p>                                                                                                                                                                                                                                                               |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                 |                                                                           | LOCATION                                                                                                                                         | COMMENTS |
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| SMP limits removal of trees on <b>shorelines of statewide significance</b> (RCW 90.58.150). Exceptions to this standard require shorelines conditional use permit. WAC 173-26-241(3)(e).                                                      | N/A                                                                       |                                                                                                                                                  |          |
| INDUSTRY WAC 173-26-241(3)(f)                                                                                                                                                                                                                 |                                                                           |                                                                                                                                                  |          |
| <b>Preference</b> given first to water-dependent uses, then to water-oriented industrial uses. WAC 173-26-241(3)(f).                                                                                                                          | No industrial uses permitted – see use charts in 20.25E.030 – Use Charts. | Document COB SMP 000044<br>Document COB SMP 000045- COB SMP 000055                                                                               |          |
| <b>Location, design, and construction</b> of industrial uses and redevelopment required to assure no net loss of ecological functions. WAC 173-26-241(3)(f).                                                                                  | No industrial uses permitted – see use charts in 20.25E.030 – Use Charts. | Document COB SMP 000044<br>Document COB SMP 000045- COB SMP 000055                                                                               |          |
| Industrial uses and redevelopment encouraged to locate where environmental <b>cleanup and restoration</b> can be accomplished. WAC 173-26-241(3)(f).                                                                                          | No industrial uses permitted – see use charts in 20.25E.030 – Use Charts. | Document COB SMP 000044<br>Document COB SMP 000045- COB SMP 000055                                                                               |          |
| <b>Public access</b> required unless such a requirement would interfere with operations or create hazards to life or property. WAC 173-26-241(3)(f).                                                                                          | No industrial uses permitted – see use charts in 20.25E.030 – Use Charts. | Document COB SMP 000044<br>Document COB SMP 000045- COB SMP 000055                                                                               |          |
| New <b>non-water-oriented industrial uses</b> prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives. WAC 173-26-241(3)(f). | No industrial uses permitted – see use charts in 20.25E.030 – Use Charts. | Document COB SMP 000044<br>Document COB SMP 000045- COB SMP 000055                                                                               |          |
| IN-STREAM STRUCTURES WAC 173-26-241(3)(g)                                                                                                                                                                                                     |                                                                           |                                                                                                                                                  |          |
| <b>Definition:</b> structure is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. WAC 173-26-241(3)(g).               | 20.25H.055 (Critical Areas Overlay), specifically 20.25H.055.C.3.d.       | Document COB SMP 010959 Critical Areas Overlay District LUC<br>Document COB SMP 00021-000234 May 18 2015 Council SMP Transmittal Conf Amendments |          |
| In-stream structures <b>protect and preserve</b> ecosystem-wide processes, ecological functions, and cultural resources, including, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological            | 20.25H.055 (Critical Areas Overlay), specifically 20.25H.055.C.3.d.       | Document COB SMP 010959 Critical Areas Overlay District LUC<br>Document COB SMP 00021-000234 May 18 2015 Council SMP Transmittal Conf Amendments |          |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | LOCATION                                                                                                                                                                                                                                                                                                                                                                                       | COMMENTS                                                                                                                                                                                                                                                           |
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| processes, and natural scenic vistas. WAC 173-26-241(3)(g).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                    |
| No net loss of ecological functions assured with specific standards for setback of structures sufficient to avoid future stabilization, buffers, density, shoreline stabilization, and on-site sewage disposal. WAC 173-26-241(3)(j).                                                                                                                                                                                                                                                                                                                                                                                                           | <p>20.25E.065.C-F provides specific standards for setbacks and vegetation conservation standards to maintain no net loss of functions.</p> <p>See also 20.25E.065.B.2.a. for shoreline stabilization.</p> <p>See 20.25E.060.L for water quality and on-site sewage standards generally. On-site sewer standards do not apply to shoreline residential development in the City of Bellevue.</p> | <p><i>Document COB SMP 000088- COB SMP 000105</i></p> <p><i>Document COB SMP 000086</i></p> <p>See additional discussion of the effect of provisions in the CIA. <i>COB_SMP000945-001055 Cumulative Impacts Analysis</i></p> <p><i>Document COB SMP 000084</i></p> |
| <b>MINING WAC 173-26-241(3)(h)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                    |
| <p>Policies and regulations for new mining projects:</p> <p>Require <b>design and operation</b> to avoid and mitigate for adverse impacts during the course of mining and reclamation;</p> <p><b>Achieve no net loss</b> of ecological functions based on required final reclamation;</p> <p>Give <b>preference</b> to proposals that create, restore or enhance habitat for priority species</p> <p>are coordinated with state <b>Surface Mining Reclamation</b> Act requirements;</p> <p>Assure subsequent <b>use of reclaimed sites</b> is consistent with environment designation and SMP standards. WAC 173-26-241(3)(h)(ii)(A) – (C).</p> | 20.25E.020.D.2.a                                                                                                                                                                                                                                                                                                                                                                               | <i>Document COB SMP 000044</i>                                                                                                                                                                                                                                     |
| <p><b>Mining waterward of OHWM</b> is prohibited unless:</p> <p>(I) Removal of specified quantities of materials in specified locations will not adversely impact natural gravel transport;</p> <p>(II) The mining will not significantly impact priority species and the ecological functions upon which they depend; and</p> <p>(III) these determinations are integrated with relevant SEPA requirements. WAC 173-26-241(3)(h)(ii)(D).</p>                                                                                                                                                                                                   | N/A                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                    |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                      | LOCATION                                                                                                                                                                                                                    | COMMENTS                                                                                                                                                                                                                                                                                                                                       |
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| <b>Renewal, extension, or reauthorization</b> of in-stream and gravel bar mining activities require review for compliance with these new guidelines requirements. WAC 173-26-241(3)(h)(ii)(D)(IV). | N/A                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                |
| <b>Mining within the Channel Migration Zone</b> requires a shoreline conditional use permit. WAC 173-26-241(3)(h)(ii)(E).                                                                          | N/A                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                |
| <b>RECREATIONAL DEVELOPMENT WAC 173-26-241(3)(i)</b>                                                                                                                                               |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                |
| <b>Definition</b> includes commercial and public recreation developments. WAC 173-26-241(3)(i).                                                                                                    | 20.25E.070.C.1                                                                                                                                                                                                              | <i>Document COB SMP 000114</i>                                                                                                                                                                                                                                                                                                                 |
| <b>Priority</b> given to recreational development for access to and use of the water. WAC 173-26-241(3)(i).                                                                                        | 20.25E.070.C.3.b.i. – ii.                                                                                                                                                                                                   | <i>Document COB SMP 000116</i>                                                                                                                                                                                                                                                                                                                 |
| <b>Location, design and operation</b> of facilities are consistent with purpose of environment designations in which they are allowed. WAC 173-26-241(3)(i).                                       | 20.25E.070.C.2 and 3 and<br>20.25E.030 (Recreation Chart). Higher- intensity recreation facilities are permitted in the RB environment, with parks and lower- intensity uses allowed in other environments subject to SCUP. | <i>Document COB SMP 000114- COB SMP 000122</i><br><i>Document COB SMP 000053- COB SMP 00054</i><br><br>See additional discussion of the effect of provisions in the CIA. <i>COB_SMP000945-001055 Cumulative Impacts Analysis</i>                                                                                                               |
| Recreational development achieves <b>no net loss</b> of ecological processes and functions. WAC 173-26-241(3)(i).                                                                                  | 20.25E.060.B contains a No Net Loss requirement.<br>20.25E.070.C.2.g requires mitigation/restoration and 3.c.iii requires designs that do not degrade functions during construction or operation.                           | <i>Document COB SMP 000067</i><br><br><i>Document COB SMP 000116</i>                                                                                                                                                                                                                                                                           |
| <b>RESIDENTIAL DEVELOPMENT WAC 173-26-241(3)(j)</b>                                                                                                                                                |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                |
| <b>Definition</b> includes single-family residences, multifamily development, and the creation of new residential lots through land division. WAC 173-26-241(3)(j).                                | 20.25E.280                                                                                                                                                                                                                  | <i>Document COB SMP 000195- COB SMP 000200</i><br><br>In addition to the general definitions in Chapter 20.50 LUC, there are definitions applicable 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. |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                | LOCATION                                                                 | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                                                                                                                                                                                                              |                                                                          | Additionally, the definitions set forth in RCW 90.58.030, as amended, and Chapter 173-26 WAC, as amended, shall also apply.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Single-family residences</b> identified as a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. WAC 173-26-241(3)(j). | 20.25E.020.A.2.a (Shoreline use preferences)<br>20.25E.010.F (for SSWS). | <p><i>Document COB SMP 000042</i><br/><i>Document COB SMP 000041</i></p> <p>WAC 173-26-241(3)(j) provides that single family residences are “a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.” This language conflicts with the language contained in RCW 90.58.020, which in concluding terms, states (as applied to all uses) “[t]o this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state’s shoreline.”</p> <p>With respect to single-family residences, RCW 90.58.020, as well, provides that “[a]lterations of the environment shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.”</p> <p>Because the language of WAC 173-26-241 is not consistent with the language in the SMA, itself, RCW 98.58.020, the City has interpreted WAC 173-26-241 in a manner which is consistent with RCW 90.58.020 to not obtain an absurd result and because administrative regulations must be consistent with governing statutes.</p> |
| No net loss of ecological functions assured with specific <b>standards</b> for setback of structures sufficient to avoid future stabilization, buffers, density, shoreline                                   | 20.25E.065.C-F<br>20.25E.065.B.2.a. for shoreline stabilization.         | <p><i>Document COB SMP 000088- COB SMP 000105</i><br/><i>Document COB SMP 000086</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                 | LOCATION                                                               | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| stabilization, and on-site sewage disposal. WAC 173-26-241(3)(j).                                                                                                                                                             | 20.25E.060.L for water quality and on-site sewage standards generally. | <p><i>Document COB SMP 000084- COB SMP 000085</i></p> <p>See additional discussion of the effect of provisions in the CIA. <i>COB_SMP000945-001055 Cumulative Impacts Analysis</i></p> <p>On-site sewer standards do not apply to shoreline residential development in the City of Bellevue.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| New <b>over-water residences and floating homes</b> prohibited. Appropriate accommodation for existing floating or over-water homes. WAC 173-26-241(3)(j).                                                                    | 20.25E.030 (Residential chart).                                        | <p><i>Document COB SMP 000045</i></p> <p>No floating homes currently exist, and no new such uses are permitted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| New <b>multiunit residential development</b> (including subdivision of land for more than four parcels) required to provide community and/or public access in conformance to local public access plans. WAC 173-26-241(3)(j). | Shoreline Public Access policies SH- 17 , SH-37 – SH-39                | <p>WAC 173-26(5)(f)(ii)(B) provides that multifamily and multi-lot residential developments “should” provide public access.” Under the definition of “should” in WAC 173-26-020(35), “should” means that the particular action is “required unless there is a demonstrated compelling reason based on the policy of the Shoreline Management Act and this chapter, against taking the action.” There are multiple compelling reasons for not taking the action as a component of the Bellevue SMP. First, under RCW 90.58.020(5), the only public access policy of the Act calls for “[i]ncrease [in] public access” only to “publicly owned areas of the shorelines.” A parallel provision of RCW 90.58.100(2)(b) provides that “master programs shall include, when appropriate” ...[a] public access element making provision for public access to publicly owned areas. Second, the Shoreline Guidelines in the Governing principle of WAC 173-26-186(5) and several other sections of the Guidelines provide that shoreline regulatory in local master programs may not “unconstitutionally infringe upon private property rights”. The provisions of the Guidelines related to public access to shorelines specifically recognize that public access planning or requirements must be consistent with “protecting private property rights”, WAC 173-26-221(4)(b), and all relevant constitutional and other legal limitations that protect private property rights, WAC 173-26-221(4)(c). Decisions</p> |

| STATE RULE (WAC) REQUIREMENTS | LOCATION | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                               |          | <p>by the United States Supreme Court in the <i>Nollan</i>, <i>Dolan</i>, and <i>Koontz</i> cases make clear that a regulatory requirements that the owner of private property provide public access that does not correspond in terms of “nexus” and “rough proportionality” to loss of public access caused by the private property owner violate the federal constitution. <i>Nollan v. California Coastal Commission</i>, 483 U.S. 825 (1987); <i>Dolan v. City of Tigard</i>, 512 U.S. 374 (1994); and <i>Koontz v. St. Johns River Water Management District</i>, 570 U.S. Slip Cover No. 11-1447 (2013). Third, even if the Guidelines did not contain these private property rights qualifications, the applicable constitutional and other legal limitations would directly limit state and local shoreline regulatory actions.</p> <p>The City of Bellevue has only limited amounts of land that are zoned multifamily within shoreline jurisdiction. The inventory breaks down reaches by comp plan designation. We have the data per water body and report as a percent of total area for each shoreline area:<br/> Lake WA= 10.2 Acres or 4.8%<br/> Lake Samm= 2.0 Acres or 1.7%<br/> Mercer/Lower Kelsey= 104.5 or 23%<br/> Phantom Lake= 0.1 Acres or .05%<br/> All of these areas are either developed with MF, under parks ownership, or highly encumbered by critical areas (typically wetlands). (COB_SMP000263-000501 Shoreline Inventory and Analysis).</p> <p>As a result of the limited Multifamily zoned property and property available for short platting into 4 or more lots within shoreline jurisdiction, the City of Bellevue has chosen to provide shoreline public access through a deliberate program of parks land acquisition and maintenance. Refer to the Comprehensive Plan Parks Element for a map of City Parks and Open Space and Waterfront Initiatives planned by the City. A copy of this map has been included at the end of this submittal checklist and can also be found at the following link.</p> |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                                                    | LOCATION                                                              | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                       | <p><a href="http://www.bellevuewa.gov/pdf/PCD/12_Parks_Recreation_and_Open_Space_FINAL_20150807.pdf">http://www.bellevuewa.gov/pdf/PCD/12_Parks Recreation and Open Space FINAL 20150807.pdf</a></p> <p>On lake Sammamish, the map alone does not adequately depict the range of access opportunities available on the waterfront that is located within the jurisdictions of three cities, King County and the State of Washington. Just north of the Bellevue City Limits, is Marymoor Park (King County) and Idylwood Park (City of Redmond). Just south of the Bellevue city limits is Timberlake Park (City of Issaquah) and Sammamish State Park (State of Washington). In addition, two private parks are also located within the Bellevue city limits (SAMBICA and Vasa Parks) that provide additional access opportunities to the Sammamish waterfront.</p> <p>A detailed narrative on waterfront access goals and objectives for the City of Bellevue can be found in the Parks &amp; Open Space System Plan. A copy of the Waterfront Access section has been included at the end of the submittal checklist and the full Parks &amp; Open Space Plan can also be found at the following link.<br/> <a href="http://www.bellevuewa.gov/pdf/Parks/2010-park-plan-update.pdf">http://www.bellevuewa.gov/pdf/Parks/2010-park-plan-update.pdf</a></p> <p><i>Document COB SMP 000018- COB SMP 000021</i></p> |
| <p><b>New (subdivided) lots</b> required to be designed, configured and developed to:</p> <ul style="list-style-type: none"> <li>(i) Prevent the loss of ecological functions at full build-out;</li> <li>(ii) Prevent the need for new shoreline stabilization or flood hazard reduction measures; and</li> <li>(iii) Be consistent with applicable SMP environment designations and standards. WAC 173-26-241(3)(j)</li> </ul> | <p>LUC Section 20.45A and 20.45B Conservation Plat and Short Plat</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Floating Homes: Certain ones must be classified as a “conforming preferred use” per RCW 90.58.270(5).</b></p>                                                                                                                                                                                                                                                                                                              | <p>20.25E.030 (Residential chart).</p>                                | <p><i>Document COB SMP 000045</i></p> <p>No floating homes currently exist, and no new such uses are permitted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                    | LOCATION                                                                                                                                                                         | COMMENTS                                                                                                                                                                                                                                                   |
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| Nonconforming Residential Structures: SMPs may contain provisions allowing structures not meeting current standards to be considered “conforming” per RCW 90.58.620.                                                                                                                                                             | 20.25E.065.I for nonconforming residential development.                                                                                                                          | Document COB SMP 000110- COB SMP 000112                                                                                                                                                                                                                    |
| <b>TRANSPORTATION FACILITIES WAC 173-26-241(3)(k)</b>                                                                                                                                                                                                                                                                            |                                                                                                                                                                                  |                                                                                                                                                                                                                                                            |
| Proposed transportation and parking facilities must be designed and located where they will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions, or adversely impact existing or planned water dependent uses. WAC 173-26-241(3)(k). | 20.25E.030 (Transportation and Utilities Chart).<br>20.25E.060.H (Accessory Parking, Loading Space, and Maintenance Access)<br>20.25E.065.B.2.b<br>20.25E.070.D (Transportation) | Document COB SMP 000047- COB SMP 000050<br><br>Document COB SMP 000074- COB SMP 000076<br><br>Document COB SMP 000086- COB SMP 000087<br><br>Document COB SMP 000123- COB SMP 000129                                                                       |
| Circulation system plans include systems for <b>pedestrian, bicycle, and public transportation</b> where appropriate. WAC 173-26-241(3)(k).                                                                                                                                                                                      | 20.25E.070.D.3.b.v (New and expanded transportation uses and development)<br>20.25E.070.C.3.i (Trails).                                                                          | Document COB SMP 000125<br><br>Document COB SMP 000121- COB SMP 000122<br>City relies on facilities plans adopted under the provisions of the Comprehensive Plan: Pedestrian/Bicycle Plan, Transportation Facilities Plan, and Capital Investment Program. |
| <b>Parking</b> allowed only as necessary to support an authorized shoreline use and which minimize environmental and visual impacts of parking facilities. WAC 173-26-241(3)(k).                                                                                                                                                 | 20.25E.060.H.2.                                                                                                                                                                  | Document COB SMP 000074- COB SMP 000076                                                                                                                                                                                                                    |
| <b>UTILITIES WAC 173-26-241(3)(l)</b>                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                  |                                                                                                                                                                                                                                                            |
| Design, location and maintenance of utilities required to assure no net loss of ecological functions. WAC 173-26-241(3)(l).                                                                                                                                                                                                      | 20.25E.070.E (esp E.2.d and e) (mitigation/restoration)<br>20.25E.030 (Transportation and Utility charts)<br>20.25E.060.B and C (technical feasibility analysis).                | Document COB SMP 000129- COB SMP 000132<br><br>Document COB SMP 000048- COB SMP 000050<br><br>Document COB SMP 000067- COB SMP 000068                                                                                                                      |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                   | LOCATION                                                                               | COMMENTS                                                                                                                                                                                                |
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| Utilities are required to be <b>located in existing rights-of-ways</b> whenever possible. WAC 173-26-241(3)(l).                                                                                                                                                                                                                 | 20.25E.070.E.3.b.ii.                                                                   | Document COB SMP 000130                                                                                                                                                                                 |
| Utility production and processing facilities and transmission facilities required to be <b>located outside of SMA jurisdiction</b> , unless no other feasible option exists. WAC 173-26-241(3)(l).                                                                                                                              | Subject to technical feasibility criteria at 20.25E.060.C per use chart in 20.25E.030. | Document COB SMP 000048- COB SMP 000050<br><br>Document COB SMP 000067- COB SMP 000068                                                                                                                  |
| Existing Utilities: Not allowed to justify more intense development. WAC 173-26-211(3)(c)                                                                                                                                                                                                                                       | 20.25E.070.E.2.b.                                                                      | Document COB SMP 000129<br><br>Bellevue is a city that does planning under the GMA, and more intense development would require a rezone and would be subject to the rezone criteria of Part 20.30A LUC. |
| <b>SMP ADMINISTRATIVE PROVISIONS</b>                                                                                                                                                                                                                                                                                            |                                                                                        |                                                                                                                                                                                                         |
| This statement “ <i>Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program whether or not a permit is required.</i> ” must appear in the SMP. WAC 173-26-191(2)(a)(iii)(A). | 20.25E.010.C.1 (Applicability)                                                         | Document COB SMP 000035                                                                                                                                                                                 |
| Administrative provisions ensure permit procedures and enforcement are conducted in a manner consistent with relevant <b>constitutional limitations</b> on regulation of private property. WAC 173-26-186(5) and WAC 191(2)(a)(iii)(A).                                                                                         | 20.25E.250 (Administration).                                                           | Document COB SMP 000192- COB SMP 000194                                                                                                                                                                 |
| <b>Annexation:</b> SMP does not apply to annexed areas unless the requirements of WAC 173-26-150 and 160 are complied with.                                                                                                                                                                                                     | N/A                                                                                    | Bellevue has nothing left to annex in its PAA.                                                                                                                                                          |
| <b>Exemptions:</b> Must implement exemption procedures in accordance with WAC 173-27-040(1).                                                                                                                                                                                                                                    | 20.25E.170.A - .F                                                                      | Document COB SMP 000179- COB SMP 000185                                                                                                                                                                 |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                                                                                                                                                                                                                                                    | LOCATION                                                                                                                                                               | COMMENTS                                                                                                                               |
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| <b>Permit Exemption Letters:</b> Must be prepared for projects requiring Federal Rivers & Harbors Act §10 permits and/or Federal Clean Water Act §404 permits. WAC 173-27-050.                                                                                                                                                                                                                   | 20.25E.150.D.2.a.-.b                                                                                                                                                   | <i>Document COB SMP 000171</i>                                                                                                         |
| <b>Retroactive SMA/GMA Relationship:</b> RCW <u>36.70A.480</u> governs the relationship between shoreline master programs and development regulations to protect critical areas that are adopted under chapter <u>36.70A</u> RCW. <i>The legislature intends for this act to be remedial and curative in nature, and to apply retroactively to July 27, 2003.</i> See RCW 36.70A.480, Footnotes. | 20.25E.010.C.1.b                                                                                                                                                       | <i>Document COB SMP 000035- COB SMP 000036</i>                                                                                         |
| <b>GMA Administrative Interpretation:</b> GMA jurisdictions SMP must contain procedures for administrative interpretation of development regulations. RCW 36.70B.110(11) & <u>WAC 173-26-140</u> .                                                                                                                                                                                               | 20.25E.100.B (Framework for Decisions) and 20.25E.270 (Interpretations, which references 20.30K), and 20.25E.020.c (Use Chart Interpretation, which references 20.30K) | <i>Document COB SMP 0000194</i><br>SMP is part of the Land Use Code, which contains Part 20.30K (Interpretation of the Land Use Code). |
| <b>Substantial Development Permits:</b> Approved SDPs must comply with WAC 173-27-150.                                                                                                                                                                                                                                                                                                           | 20.25E.160.A – .D                                                                                                                                                      | <i>Document COB SMP 000173- COB SMP 000174</i>                                                                                         |
| <b>Conditional Use Permit:</b> Approved CUPs must comply with WAC 173-27-160.                                                                                                                                                                                                                                                                                                                    | 20.25E.180.A – K                                                                                                                                                       | <i>Document COB SMP 000185- COB SMP 000188</i>                                                                                         |
| SMPs must specify which uses and developments require a shoreline <b>conditional use permit (CUP)</b> .                                                                                                                                                                                                                                                                                          | 20.25E.030 (use charts)<br>20.25E.080 (modifications).                                                                                                                 | <i>Document COB SMP 000045- COB SMP 000055</i><br><i>Document COB SMP 000133- COB SMP 000151</i>                                       |
| <b>Variances:</b> Approved VARs must comply with WAC 173-27-170.                                                                                                                                                                                                                                                                                                                                 | 20.25E.190.A – .G                                                                                                                                                      | <i>Document COB SMP 000188- COB SMP 000190</i>                                                                                         |
| <b>Permit Revisions:</b> Must comply with the revision approval criteria of WAC 173-27-100.                                                                                                                                                                                                                                                                                                      | 20.25E.150.E.2.a – d                                                                                                                                                   | <i>Document COB SMP 000171- COB SMP 000172</i>                                                                                         |
| <b>Federal Projects:</b> Must comply with WAC 173-27-060, with differing requirement in and out of the federal Coastal Zone Management Program.                                                                                                                                                                                                                                                  | 20.25E.150.D.2.a - .b                                                                                                                                                  | <i>Document COB SMP 000170- COB SMP 000171</i>                                                                                         |

| STATE RULE (WAC) REQUIREMENTS                                                                                                                                    | LOCATION                                                                                                 | COMMENTS                                                                                                                                                                                                                                                                                                                                     |
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| <b>Non-conforming uses and structures <u>not</u></b> covered by RCW 90.58.270(5), 90.58.620, and not addressed by the SMP must comply with WAC 173-27-080.       | 20.25E.040 (nonconforming shoreline conditions)<br>20.25E.065.I (nonconforming residential development). | <i>Document COB SMP 000056- COB SMP 000063</i><br><br><i>Document COB SMP 000110- COB SMP 000112</i><br>Standards apply to any legally established pre-existing use or modification.                                                                                                                                                         |
| Mechanism for tracking, and periodically evaluating the <b>cumulative effects</b> of all project review actions in shoreline areas. WAC 173-26-191(2)(a)(iii)(D) |                                                                                                          | <i>The City of Bellevue is a City that plans under GMA and is required to monitor and update its Shoreline Master Program and Critical Areas Ordinance routinely. The Permitting system provides the mechanism to track development overtime and will be evaluated during the routine update process for environmental change over time.</i> |
| SMP <b>definitions</b> are consistent with all definitions in WAC 173-26-020, and other relevant WACs.                                                           | 20.25E.280 and responses to each section above where DOE indicates a “definition” is needed.             | <i>Document COB SMP 000195- COB SMP 000200</i>                                                                                                                                                                                                                                                                                               |