



# Bellevue Planning Commission

**Wednesday, May 25, 2011**

6:30 to 11:00 p.m. ▪ Council Chambers 1E-126

Bellevue City Hall ▪ 450 110<sup>th</sup> Ave. NE ▪ Bellevue, WA 98004

## Agenda

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|------------|--|
| 6:30 p.m.  | <ol style="list-style-type: none"><li>1. <b>Call to Order</b><br/><i>Hal Ferris, Chair</i></li><li>2. <b>Roll Call</b></li><li>3. <b>Public Comment*</b><br/><i>Limited to 5 minutes per person or 3 minutes if a public hearing has been held on your topic</i></li><li>4. <b>Approval of Agenda</b></li><li>5. <b>Communications from City Council, Community Council, Boards and Commissions</b></li><li>6. <b>Staff Reports</b><br/><i>Paul Inghram, PCD</i></li></ol>   |
| 6:45 p.m.  | <ol style="list-style-type: none"><li>7. <b>Public Hearing</b><br/><br/>A. Shoreline Master Program Update<br/>Hear testimony on the proposed Shoreline Master Program Update<br/><i>SMP Team, DSD</i></li></ol>   |
| 10:30 p.m. | <ol style="list-style-type: none"><li>8. <b>Study Session</b><br/><br/>A. <u>Shoreline Master Program Update</u><br/>Provide direction to staff to collect and assemble public comments<br/><i>SMP Team, DSD</i></li><li>9. <b>Other Business</b></li><li>10. <b>Public Comment*</b> - <i>Limited to 3 minutes per person</i></li><li>11. <b>Next Planning Commission Meeting – June 8</b> - Tentative agenda topics include:<ul style="list-style-type: none"><li>• FEMA land use code amendment Public Hearing</li></ul></li></ol> |
| 11:00 p.m. | <ol style="list-style-type: none"><li>12. <b>Adjourn</b></li></ol>   |

*Agenda times are approximate*

**Planning Commission members**

Hal Ferris, Chair

Pat Sheffels

Jay Hamlin

Daniel Himebaugh

William Lai, Vice Chair

Douglas Mathews

Kevin Turner

**Staff contact:**

Paul Inghram 452-4070

Jeanie Christensen 452-7857

*\* Unless there is a Public Hearing scheduled, "Public Comment" is the only opportunity for public participation.*

*Wheelchair accessible. American Sign Language (ASL) interpretation available upon request. Please call at least 48 hours in advance. Assistance for the hearing impaired: dial 711 (TR).*



# MEMORANDUM

DATE: May 25, 2011  
TO: Chair Ferris and Members of the Planning Commission  
FROM: Shoreline Master Program Update Team  
SUBJECT: Draft Shoreline Master Program Public Hearing

At the May 25 meeting, the Planning Commission will hold a public hearing on the Draft Shoreline Master Program (SMP) that was released on April 8, 2011. A copy of the Draft SMP, together with the staff report from the Development Services Department, is being provided to the Planning Commission under separate cover with these packet materials. Electronic copies of the documents are available for public review on the City website under the Planning Initiatives tab, and on the Planning Commission website under Shoreline Master Program Update. Printed copies of the materials are also available for review at Bellevue City Hall. The City Hall Records Room is located at 450 110<sup>th</sup> Ave NE, Bellevue, WA (First Floor).

The public hearing follows an Open House that was held on April 20<sup>th</sup> where more than 100 citizens attended. Information boards from the Open House will also be available for review in the concourse starting at 6:00pm on May 25<sup>th</sup> and will remain available for public viewing during the public hearing.

### **No Action Requested of the Planning Commission**

The primary focus of the meeting will be for the Planning Commission to receive public testimony on the Draft SMP. Staff will provide brief introductory comments, but will quickly defer to the public interested in testifying before the Commission. Comments received on the Draft SMP since its formal release on April 8 are included as Attachment A to this transmittal for Planning Commission reference and for inclusion in the public hearing record. No action will be requested of the Commission at the May 25<sup>th</sup> meeting.

### **Next Steps**

Following the public hearing, staff will assemble the comments and provide responses for Planning Commission reference and consideration on June 22, 2011. At that time, the Planning Commission will be asked to provide direction to staff regarding topics for deliberation and associated schedule desired to formulate a recommendation to Council on the SMP.

### **Staff Contact Information**

Questions or comments regarding the Draft SMP may be directed to staff on the Shoreline Master Program Update Team via telephone or email as identified below. Comments may also be submitted electronically via the SMP Update email box at [shorelines@bellevuewa.gov](mailto:shorelines@bellevuewa.gov).

Carol Helland	425-452-2724	<a href="mailto:chelland@bellevuewa.gov">chelland@bellevuewa.gov</a>
Michael Paine	425-452-2739	<a href="mailto:mpaine@bellevuewa.gov">mpaine@bellevuewa.gov</a>
Heidi Bedwell	425-452-4862	<a href="mailto:hbedwell@bellevuewa.gov">hbedwell@bellevuewa.gov</a>
David Pyle	425-452-2973	<a href="mailto:dpyle@bellevuewa.gov">dpyle@bellevuewa.gov</a>
Catherine Drews	425-452-6134	<a href="mailto:cdrews@bellevuewa.gov">cdrews@bellevuewa.gov</a>

**APRIL 20, 2011 – SMP OPEN HOUSE  
COMMENT CARD RESPONSES**

<b>NAME/EMAIL</b>	<b>COMMENT</b>
<b>Donna Lemke</b> 2016 W. Lk Samm. Pkwy SE Bellevue, WA 98008 <a href="mailto:Lemke19@comcast.net">Lemke19@comcast.net</a>	<p>We heard tonight from staff that a house next to a stream that is an existing structure can be torn down and rebuilt on the footprint without triggering any requirements, extra plantings etc., tearing out of bulkheads or docks and hiring of consultants at exorbitant fees. We hope that this exemption for an existing house will remain valid in the CAO. What if the foundation needs some repair? We also want staff, commissioners, etc of Bellevue to strongly encourage King County to clean the outlet of Lake Sammamish to lower lake levels.</p> <ol style="list-style-type: none"><li>1. Please be aware that the state has Lake Sammamish on plan to regulate the phosphorous levels in the lake. There is a certain level which cannot be exceeded without triggering expanded run-off control. Please Google this document if you are not aware of it. It must be honored.</li><li>2. Also why 50 ft instead of 35 ft which other municipalities have required? It seems like grabbing of private property.</li></ol> <p>Please recognize that Lk. Samm's water levels fluctuate and that the high levels will wash out any vegetation that is planted, especially in the Bellevue Shoreline area. This adds phosphorous to the lake that would not be introduced if Lake levels were better controlled.</p> <p>Also please understand how small an impact waterfront activity has on the lake. (.01% of the watershed) Concentrate on the real problem which is run off. Maintain the holding ponds, especially those feeding into Phantom Lake</p>
<b>Terry J. Lemke</b> 2016 W. Lk Samm. Pkwy SE Bellevue, WA 98008 <a href="mailto:Lemke19@comcast.net">Lemke19@comcast.net</a>	<p>The fact that the proposed regs are 250 pages is unworkable. No one is going to read through 350 pages. I heard that staff included referenced regulations and that contributes to the length.</p> <p>It is easier to write a lengthy document than to condense it but condense it we must if the people it is intended to regulate are to understand it and if the City of Bellevue is to be able to implement it.</p>
<b>Barbara Hancock</b> 2644 W. Lk Samm Pkwy SE Bellevue, WA 98008 <a href="mailto:bhoffice@comcast.net">bhoffice@comcast.net</a>	<p>I would ask that the Planning Commission ask the staff to make a 20 page summary of key provisions</p> <p>Please stop spending tax payer's money on this Shoreline Plan. Just adopt Redmond's Plan</p>

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**Bud Norquist**  
372 W. Lk Samm Pkwy NE  
Bellevue, WA 98008  
[ladyvey@aol.com](mailto:ladyvey@aol.com) (check  
email)

**Heidi & Pat – Just wanted to comment that we noticed you must have listened to some of what all of us were saying over the months.... A few of the restrictions have eased and actually look “fair”. (Lakey Norquist)**

**It appears that the lake level, which is a moving target needs to be fixed in stone (\*30.57 NAVD = 27.0 NGVD). This is a very good standard. Going up to 31.8 NAVD will hurt many property owners that have to move the 50’ set back 10 feet closer to their homes (Bud Norquist)**

**John Strong**  
1604 W. Lk Samm Pkwy NE  
Bellevue, WA 98008  
[Strong.Guo@gmail.com](mailto:Strong.Guo@gmail.com)

Since 2005, the distance that my house impacts shoreline regulations and expense has increased from 25 to 50 feet, if I ignore the change in OHWM. At my house, the change in OHWM definition of about 1.4 feet means about 15 feet of shoreline that is ignored. Thus, relation to the older (3 years ago) OHWM, I move have to be 50 + 15 = 65 feet. In 4 years, the regulated distance has changed from 25 to 65 feet. It’s a bit ridiculous. Don’t change both at the same time. Pick one of the other.

I have an old dock that conforms dimensionally to the new rules. I want to have it rebuild to the same legal dimensions as I have today with new legal materials. The proposed SMP says I still need to do mitigations. Why? I’m already improving things with the new materials.

**Richard Foley**  
3110 W. Lk Samm Pkwy SE  
Bellevue, WA 98008  
[healthwisew@comcast.net](mailto:healthwisew@comcast.net)

The High water mark for Lake Sammamish is now considerably higher than was officially established in the 1970’s. This is due, for the most part to the fact that the water level in the lake is not adequately controlled and properties are being damaged each winter. If water level is in the purview of King County, we would hope our Planning Commission would voice the concerns of Bellevue property owners to the appropriate individuals at the County level. I have lived on Lake Sammamish for 35 years and my property is sustaining damage

**Lisa Tompkins Saaden**  
PO Box 3233  
Bellevue, WA 98009  
[veryglobal@gmail.com](mailto:veryglobal@gmail.com)

Thank you for having this. I like the low pressure atmosphere but everyone was very helpful as needed. I think this event fits a variety of “people-styles”. We came for information and received more than we expected. The handouts are great. Thank you again.

<p>Rick Carovano 1622 W. Lk Samm Pkwy SE Bellevue, WA 98008 <a href="mailto:r.k.carovano@comcast.net">r.k.carovano@comcast.net</a></p>	<p><b>SMP Problems:</b></p> <ol style="list-style-type: none"> <li>1) Poor Science</li> <li>2) Overly Complex... 350 pages</li> <li>3) Redundant w/Army Corp Bellevue Regs (Trees)</li> <li>4) Burdensome on waterfront owners v. uphill property</li> <li>5) No objective measurement as to success of these regs</li> <li>6) Setbacks unnecessarily large</li> <li>7) Private recreation use not recognized</li> <li>8) Property devaluation through setbacks and water. Front trees &amp; vegetation</li> <li>9) Bellevue is overreaching in attempting to control waterfront in order to make use and/or redevelopment impossible or prohibitively expensive in order to drive out private property owners</li> </ol>
<p>Mark Sussman 3110 W. Lk Samm Pkwy SE Bellevue, WA 98008 <a href="mailto:msuss@comcast.net">msuss@comcast.net</a></p>	<ol style="list-style-type: none"> <li>1) Would like to see some in depth discussion under auspices of City Council on two aspects of Bellevue SMP: <ol style="list-style-type: none"> <li>i. The science behind the regulations... how specific can it be applied to the situations covered by the regulations</li> <li>ii. How carefully has SMP been audited against the State Law (WAC/RCW) for both compliance and over-reach?</li> </ol> </li> </ol>
<p>Kirk McEwan 4047 120<sup>th</sup> Avenue SE Bellevue, WA 98006 <a href="mailto:kirkmcewan@hotmail.com">kirkmcewan@hotmail.com</a></p>	<p>For shared docks, provisions should be made for both families to have covered moorage if desired.</p> <p>If both neighbors are ok with a change, i.e. lengthening of dock, but one is going to pay for it, the existing dock should not have to be replaced if in good condition</p>
<p>Craig Foreman <a href="mailto:craig@foremanonline.com">craig@foremanonline.com</a></p>	<p>I was told that a 50' "butler/setback" is being proposed because the commission thinks that it's the minimum that the state will accept. We should propose less than 50'</p> <ol style="list-style-type: none"> <li>1. To be more consistent w/neighborly community; and</li> <li>2. What if the state would accept less than 50'? We should ask for 25 and have them tell us it's not enough. Maybe they would settle for 25' or 35'.</li> </ol>
<p>Unknown</p>	<p>The condition of the weir and the surrounding area dramatically affects the Lakes water level. This issue needs to be addressed immediately or any studies concerning OHWM are invalid and unsound</p>
<p>Mike Mariano 16341 SE 16<sup>th</sup> Street Bellevue, WA</p>	<p>The SMP is being handled in a "vacuum". It tries to avoid the water quality and water quantities and yet is based on a "Shoreline wetland edge" that is arbitrarily set and maintained by the City.</p> <p>Phantom Lake is <u>private</u> but is also a watershed drainage outlet; the City has an outlet easement and yet <u>fails</u> to perform its maintenance responsibilities causing artificial high lake levels.</p> <p>For example, the weir had lagging in it up to 4/3/11 removed 4/4/11.... So we had flooding all winter and saturated soil all winter unnecessarily. And the City wants to 'maintain the shore line'?</p>

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## COMMENTS RECEIVED AFTER OPEN HOUSE

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**Merwyn Haneberg**  
16114 SE 24h Street  
Bellevue, WA 98008  
[mhaneberg@gmail.com](mailto:mhaneberg@gmail.com)  
(425) 643-4733

*(received via mail - 4/25/11)*

Thanks for preparing the Open House. A good plan showed what is to be expected on Phantom Lake. Wetland area showed no human habitation. Setback is large, but staff could not accurately give the width – 50 ft was mentioned but not correct. No access to eventual dock shown but assume allowed. Fire pit?? Lawn?? Dock max 250 sq ft would create a 100 ft by 2-1/2 ft wide impossibly dangerous situation especially for floating dock which most all are on Phantom. Staff could not accurately describe allowable conditions in the setback or wetland. This is understandable with a 350 page code to memorize, but then how does the public have time or expertise to understand? There are a lot of rumors circulating as a result of a overworked regulation! Logs of frustration.

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## Christensen, Jeanie

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**From:** Carolyn Martin [k.c.martin@comcast.net]  
**Sent:** Thursday, May 12, 2011 10:04 PM  
**To:** PlanningCommission  
**Subject:** Comments to be made part of SMP record

I request that my input be made part of the SMP record.

I was an attendee of the April 20th SMP Open House. I didn't turn in my comment card as I was appalled at the taxpayer money that has been spent on a restrictive, regulatory intrusion into homeowner's rights. I'm sorry to say that I think that all three hundred sixty pages of the draft shoreline regulations should be dumped as it is seriously flawed.

There have been millions of dollars of damage to Lake Sammamish bulkheads and docks due to the high water and the SMP is worried about planting posies. The high water damage is directly related to runoff from new housing developments on the east side of the lake with little or no concern by the various permitting agencies to the consequences.

The high water problem has damaged at least 25% of the docks and bulkheads on the lake. Any planting per the SMP would be washed out in the first year.

There is nothing wrong with the permit process and regulations that are in place. In 2008 I had to rebuild my dock due to high water damage. It cost \$45,000 under the current regulations. I can only imagine what it would cost and the permit process required to meet the proposed SMP plan.

It appears that the SMP plan is yet another government intrusion that will have the long term effect of making it ridiculously expensive to make any changes to our property. It will have the effect of de-valuing our property. The idea of making the whole lake one big municipal park is downright criminal.

Again, this SMP plan is a big waste of taxpayer money that could be used for constructive projects, especially in this time of hard economic times. Our tax dollars are being wasted. Dump this SMP plan and solve the high water problem.

## Christensen, Jeanie

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**From:** Leonard Stevens [stevens242@comcast.net]  
**Sent:** Thursday, May 12, 2011 6:51 PM  
**To:** PlanningCommission  
**Subject:** SPM

I want to object for the city's plan to change the set back policy for waterfront property from 25 ft to 50 ft. This seems excessive to me, and from what I understand, most if not all the other cities on Lake Sammamish, have a 25 ft set back. This would have a negative affect on homeowners ability to develop their properties, as well as reduce property values. I do not see the logic of the City of Bellevue.

Additionally, the City/County has finally agreed to maintain the weir on Lake Sammamish to reduce the high water/flooding issue. It was about time to honor the commitment.

Thank you.

Leonard R Stevens  
1250 W Lake Sammamish Pkwy SE  
Bellevue, WA 98008

## Christensen, Jeanie

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**From:** DONALD W KURTH [heyjud01@msn.com]  
**Sent:** Tuesday, May 10, 2011 10:10 PM  
**To:** PlanningCommission; Judy Kurth  
**Subject:** Shoreline draft SMP Input-Property Owner

Dear Planning Commission,

I am Donald Kurth property owner at 408 W Lk Samm Pkwy SE

Why is Bellevue Planning Department recommending changes to the Sammamish Shoreline Owners property that are more restrictive than the State of Washington requires? I have been a Lake Sammamish shoreline property owner for 33 years [Since 1978]. Since I have been here I know that the Shoreline Owners on Lake Sammamish have been the best care takers of the lake and its well being, better than the State, King County or City of Bellevue. So why is the City placing so many restrictions on our property?

The Planning Department says it is for the protection of the fish and the well being of the lake, if this was true they would be more concerned about the following:

1. Stopping the huge amount of dirty run off that comes into the lake, including new sediment that would cover any fish eggs within a quarter mile of our property.
2. Be more concerned that King County keeps the outlet of Lake Sammamish cleared and water not obstructed in its flow out of the lake
3. Recognize that it was the State of Washington that destroyed the wild salmon fishery in the lake, by poison and not the property owners; and let the schools and public know this instead of blaming the shoreline owner.

The following suggested regs are not appropriate for the shoreline property:

1. Not letting the shoreline owner just replace his existing dock without having to go through \$50,000 of permit requirements to end up with the same thing! This is over kill.
2. Plantings at the beach requirement, if you make property improvements; when the beach has been sandy for at least last 81 years. We have pictures from 1935 that show no grow on our beach property and the property around us. New sand comes onto the beach each year from the Bellevue sediment run off and from the winter waves that bury anything on the beach and has for at least the last 81 years.
3. Leave normal high water mark at 31.8'
4. Set back of 25' is all that is needed
5. No trees or high shrubs close to the water. Remember the shoreline owners are the year around life guards on the lake. We have saved the lives of two people on the lake and we need to be able to see our children and neighbors playing on the beach and in the water and other users of the lake. This is a real safety concern.

Remember if the Bellevue Planning Department was really interested in improve the conditions on Lake Sammamish for the fish and condition of the water in Lake Sammamish they would be focusing on themselves and getting the City of Bellevue to quit being the most destructive force on the lake with their excess run off. Remember it is the shoreline owner that is the best steward on the lake not the City of Bellevue! So rule requirements for the shoreline owner need only to be what is required by the State. Before the City of Bellevue makes life more costly for the Lake Sammamish shoreline owner the Bellevue Planning Department needs to show they are good citizens and clean up their own act with the dirty runoff they put into the lake and they take no responsibility for!

Please take these comments into consideration and reduce the requirements the Bellevue Lake Sammamish Shoreline Owner needs to follow to what Washington State law requires.

Sincerely,

Donald Kurth  
408 W Lk Samm Pkwy SE  
Bellevue, Wa. 98008

425 562 7681



**Date:** May 12, 2011  
**To:** Hal Ferris, Chair  
Planning Commission  
**From:** Faith Roland, Chair  
Parks & Community Services Board  
**Subject:** Shoreline Master Program Comment Letter

Thank you for the opportunity to comment on the draft Shoreline Master Program. Development Services staff attended our meetings in April and May to provide information on the update process. Upon review of the draft policies, the Parks & Community Services Board offers three overarching principles for the Planning Commission to use as it considers regulations impacting public access, shoreline recreation and open space uses. Additionally, the Board provides specific draft policy modifications for your consideration that support these principles.

**The SMP should support the City's long-standing policy of increasing public access to the shoreline and preserving open space.**

The city's first park acquisitions in the 1950's were shoreline parks. Since that time, acquisition and development of shoreline and wetland parks has remained a top priority. The 2010 Parks & Open Space System Plan, as adopted by the City Council, calls for continued waterfront, wetland and stream-side acquisition for the next 20 years to increase access for all Bellevue residents and preserve unique and valuable open space. Public access can be improved by maintaining and improving public view corridors<sup>1</sup> and improving directional signage to existing facilities. Further, and in combination with the above, requiring major private redevelopments to design for public view and access can assist in reaching the Shoreline Management Act's public access goal.

**The SMP should recognize that parks use a small percentage of Bellevue's overall shoreline to serve all Bellevue residents. To accommodate demand, intense use of the shoreline is often necessary.**

Bellevue's waterfront parks are highly used facilities. Less than 4% of residential lots in Bellevue front water. The vast majority of Bellevue residents consider Bellevue parks their waterfront property. Bellevue's population of 122,000 has access to approximately 12% (1.7 miles) of Bellevue's shoreline in the form of public parks. The high demand on these facilities is reflected in a 2009 statistically significant survey of Bellevue residents finding that 69% of Bellevue residents visit a community beach, waterfront park or boat launch at least twice every year. Almost 40% visit six or more times per year.

**The SMP should allow a balance of public access, ecological restoration and historic and cultural preservation and restrict uses in shoreline and wetland parks that do not advance these interests.**

The 2009 Bellevue resident survey referenced above found that Bellevue residents express a strong desire for the City to continue to develop waterfront parks and boat launches, improve the ecological function of forests, wetlands, lakes and streams and preserve

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<sup>1</sup> A concept supported by draft policy SH-43

historical structures and heritage sites. The City has been able to make this balance under the existing SMP and seeks to continue under the new regulations. Consider the following from the 2010 Parks & Open Space System Plan:

Mercer Slough Nature Park is an excellent example of parkland serving multiple functions. It offers trails for pedestrians and bicyclists and waterways for canoes and kayaks. The wetlands and waterways of Mercer Slough provide habitat for more than 160 different species of wildlife, including heron, beaver, and salmon. A sense of Bellevue's historical and cultural heritage is preserved at the historic Winters House and through the continuing agricultural practices of farming blueberries in the park. In addition, the Pacific Science Center offers environmental education programs at the Mercer Slough Environmental Education Center. Added to this, the Slough provides immense benefits in stormwater detention, water quality filtering and carbon emission capture and storage.

To aid in aligning the draft SMP policies to the above principles, the Parks & Community Services Board recommends the following draft policy modifications. The first recommended modification adds weight to the community's priority of creating additional public access and more directly transfers the meaning and intent of existing SMP Policy SH-21 into the revised policy set.

#### **General Policies**

**SH-18.** ~~Provide~~ Encourage acquisition and development of additional public or community access consistent with the existing character of the shoreline, the scale or type of development, and in full consideration of the impact on ecological function.

The second recommended modification broadens the scope of the policy to address a wider variety of water-oriented recreation activities.

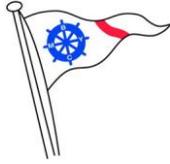
#### **Recreation Use Policies**

**SH-63.** Encourage existing recreation facilities to provide as appropriate, access to a variety of public water-enjoyment activities including but not limited to non-motorized boat launching facilities. Require new recreation facilities to provide as appropriate, access to a variety of public water-enjoyment activities including but not limited to public non-motorized boat launching facilities where feasible.

The third recommended modification adds a new policy that encourages higher utilization of existing shoreline recreation resources by better directing residents to their location through signage.

#### **Sign Policies**

**SH XX(new):** To promote and facilitate public enjoyment of the waterfront, encouraging signage and wayfinding techniques to direct individuals to public access points from nearby streets and trails.



*Meydenbauer Bay* Yacht Club  
Bellevue, WA 98009

May 11, 2011

To: Bellevue Planning Commission

Subject: Shoreline Management Plan

We have completed our review of the 2011 draft SMP. Comments are attached to this letter and relate to **Accessory Structures, Minor Expansion, Parking, Aquatic Weed Control and Dredging**. These comments supplement those submitted to you via email on April 4 relating to **Public Access**. The April 4 submittal is also attached for reference.

MBYC first met with Michael Paine, manager of the Development Services Dept, on June 17, 2009 to discuss how the SMP update might impact MBYC. Subsequently we sent a letter dated July 6, 2009 to the Planning Dept summarizing our initial review of the updated SMP as it related to yacht clubs. Since then we have met numerous times with the Planning Department to discuss issues; some of our suggestions have been incorporated in the SMP draft.

We also have supported the following changes that have already been made:

- Creation of a separate **Yacht Club** designation;
- Elimination of a '**critical areas buffer**' along the general Lake WA shoreline; and
- Addition of code that allows a '**20% minor expansion**' to existing shoreline developments.

If you have questions regarding our input, please contact the signatory below.

Thank you for making the SMP update an open public process.

Sincerely,

Gerry Lakin  
Director of SMP  
Committee on Neighbor and Government Relations

425 746 7812  
glakin@msn.com

**ATTACHMENT 1: *Accessory Structures, Minor Expansion, Parking, Aquatic Weed Control and Dredging.***

**Demand for additional Recreational Boating areas**

*SMP Draft Policy and LUC 20.25E.010 D.6. Recreational Boating Environment b. Designation Criteria could be interpreted to mean that additional RB areas may be designated only as a result of an increase in demand for public uses. There is also a potential increase in demand for private RB facilities. Change the sentence as follows:*

Additional RB areas may be designated as demand for public **and private** access to viewing, water-oriented recreation, and recreational boating facilities increases.

**Accessory structures in the shoreline jurisdiction**

*Requirements for new accessory structures in the shoreline setback that support recreational facilities are given in LUC 20.25E.070 C.3.f. However, paragraph i. appears to limit use of these accessory structures to the housing of emergency equipment and beach supplies. Add the highlighted sentence to this paragraph (shown below) to indicate other accessory structure uses are appropriate.*

- i. Accessory Structures--Limitations. One accessory structure, measuring less than 200 square feet and less than 15 feet high, which supports a water-dependant recreational use is allowed in the shoreline setback. Such an accessory structure may use or support **general and/or** emergency operations, such as housing emergency equipment and supplies associated with a swimming beach or dock or other water-dependent activity. **Accessory structures used to provide an educational or cultural component to a water-dependent activity are allowed in the shoreline setback.**

*LUC 20.25E.070 C.3.g.i. allows over-water structures for yacht clubs, community clubs and marinas. Add the highlighted sentence to this paragraph (shown below) to indicate that accessory structures used for recreational boating related instruction, training and meetings are appropriate.*

1. Over-water Structures--Limitations. Over-water structures are allowed only for Yacht Clubs, Community Clubs, and Marinas or for public recreation and public access facilities. **Over-water accessory structures used to support an educational or cultural component to a water-dependent activity are allowed.** Non-water-dependent commercial uses shall not be allowed over water, except where the use is appurtenant to and necessary to support water-dependent uses, such as fueling docks, restrooms, and boating-related retail services.

*LUC 20.25E.070 C. 4. states that "Minor expansions of accessory structures located in the shoreline setback are prohibited, except as consistent with the*

performance criteria of C.3.d and C.3.f.” However, C.3.d and C.3.f are applicable to new facilities or facilities that are expanded beyond a minor expansion (more than 20%). Add the highlighted sentence to this paragraph (shown below) to indicate that expansion of an accessory structure as part of a minor expansion is allowed.

- iv. Maintenance and repair of accessory structures in the shoreline setback shall comply with repair standards set forth in LUC 20.25E.040 for nonconforming shoreline conditions. Minor expansions of accessory structures located in the shoreline setback are prohibited, except as consistent with the performance criteria of C.3.d and C.3.f, **or as required to support a permitted minor expansion of a Recreational Boating facility.**

### **Consistency in maintenance, repair and minor expansion requirements**

*Change LUC 20.25E.080 to read the same as LUC 20.25.070 C.2.a.*

- a. Maintenance and repair as used in this section includes actions to repair a failed or degraded component of a facility with the intent of restoring the facility to its original design condition, function, and capacity. **Improvements not meeting the definition of maintenance and repair or minor expansion (less than 20% per LUC 20.25.070 C.2.b) shall be processed as new or expanded recreational facility. Expansion or Reconfiguration of facility components do not constitute repairs and are** will be processed as a new or expanded non-residential moorage facility, boat ramp or launch.

### **Parking to support minor expansion of RB facility**

*LUC 20.25E.060 H. applies to development of accessory parking in addition to the requirements of LUC 20.20.590. However, SMP policy and LUC do not explicitly state that additional accessory parking is allowed when a permitted minor expansion (LUC 20.25E.070 C. 2. b.) of a Recreational Boating facility is accomplished. Add the highlighted sentence below to LUC 20.25E.060 H.*

### **H. Accessory Parking, Loading Space, and Maintenance Access.**

- 2. Applicability. This section applies to development of accessory parking, loading space, and maintenance access within shoreline jurisdiction. The provisions of LUC 20.20.590 also apply, except as they conflict with paragraph H of this section. The requirements of this section do not apply to parking that is accessory to a single-family use.
- 2. When Allowed. Parking, loading space, and maintenance access is allowed in shoreline jurisdiction only when accessory to a specific permitted use; otherwise these uses are prohibited in the shoreline jurisdiction. **Additional accessory parking is allowed when part of a permitted minor expansion of a Recreational Boating facility.**

## **Control of Aquatic Weeds**

*Revise policy statement SH-52 as follows. Develop regulatory concepts and LUC consistent with this policy.:*

SH-52. Discourage use of agricultural fertilizers and pesticides in the shoreline jurisdiction through education.  ~~, suggest alternatives such as use of Department of Ecology approved herbicides to control aquatic weeds w~~ When native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of aquatic weeds, their control and removal ~~cannot be effectively~~ should be accomplished by approved mechanical, cultural, and/or biological means. The elimination of aquatic noxious and nuisance weeds will be in accordance with current DOE regulations. The corresponding regulatory concepts and LUC will not preclude and/or prejudice the appropriate use of approved aquatic herbicides when applied in accordance with DOE policies and practices.

## **Dredging**

*The policy statement and LUC on dredging do not explicitly cover dredging required to maintain adequate depth for boat moorage. It also does not identify the primary causes or party responsible for bringing about the need for dredging. The highlighted verbiage should be included in policy statement SH-97 and LUC 20.25E.080 D.2.a.*

SH-97. Prohibit dredging except where necessary to maintain existing navigational access, boat moorage depth, existing agricultural activities, water quality and quantity, to implement habitat improvement projects, to comply with federal or state remedial actions, and to protect the public health and safety. The extent and the frequency of allowed dredging shall be proportional to the accumulation of sediments deposited by creeks, storm drains and upland development, and shall be the minimum necessary consistent with the purpose of the specific activity and local conditions. Parties responsible for deposits of sediments in the Aquatic Environment that do not naturally occur should be responsible for their removal.

### 20.25E.080 D. Dredging and Dredge Material Disposal

#### 2. Dredging – Limitations.

- a. To maintain navigability and acceptable boat moorage depth; provided the dredging is proportional to the accumulation of sediments deposited by creeks, storm drains and upland development ~~limited to~~ and the extent of the previously approved dredging and/or existing authorized location, depth, and width;

ATTCHMENT 2: *Public Access*

**Meydenbauer Bay Yacht Club**  
**P.O. Box 863**  
**Bellevue, WA 98009**

**April 4, 2011**

To: Bellevue Planning Commission

Subject: Shoreline Management Plan

Our questions, concerns and input to the SMP draft have generally been addressed during meetings with City staff which has negated our need to comment directly to your Planning Commission. However, there is an issue we feel strongly about that we would like to bring to your attention. It was the same issue we raised to the Steering Committee and Bellevue City Council during planning of the proposed Meydenbauer Bay Park.

During development of the Park plan, MBYC was asked to provide public access to our facility in conjunction with the public park. We told the city NO and they accepted it. We said that we provided selected public access already, with our youth sailing program which is open to the public. We also provide controlled public access during certain events such as Special Peoples Cruise, Opening Day, Power Squadron meetings, Coast Guard Auxiliary meetings, etc. Our Insurance does not permit general public access without our control; on-site security would have to be significantly increased.

The MBYC site is 100% occupied by moorage of member boats and shoreline accessory use. It doesn't make sense to provide a portion of our private shoreline and infrastructure for public access when there will be 10 acres and a quarter mile of public shoreline next door at the new Meydenbauer Bay Park.

SMP code supports our position. Priority of shoreline use is given in LUC 20.25E.010 F and reproduced below.

- c. Priority of Uses. Development, redevelopment, and use of lakes Washington and Sammamish and their associated shorelands shall be prioritized as set forth in RCW 90.58.020(1)-(7). Pursuant to WAC 173-26-181, preferred uses exhibit the characteristics listed below in descending order of priority:
  - i. Recognize and protect the statewide interest over local interest for Shorelines of Statewide Significance.
  - ii. Preserve the natural character of the shorelines.
  - iii. Result in long-term over short-term benefits.
  - iv. Protect the resources and ecology of the shorelines.
  - v. Increase public access to publicly owned areas of the shorelines.**
  - vi. Increase recreational opportunities for the public in the shoreline.**
  - vii. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

Clearly the code requires public access only to publicly owned areas. Access and water-enjoyment opportunities on privately owned areas should be provided to the public on a voluntary basis. To reinforce this concept, MBYC strongly recommends changes given on the next page.

Gerry Lakin (425 746 7812, [glakin@msn.com](mailto:glakin@msn.com))

Representative, MBYC Bay Committee

### RECOMMENDED CODE CHANGES

- The definition of “Yacht Club” from the March 9, 2011 draft of LUC 20.25E.280 is given below. The verbiage in red should be substituted for the deleted text. It should be noted that this definition was initially supplied by MBYC except for the deleted text which was added by staff.

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

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

- Specific parts of draft LUC 20.25E.060 and 070 inappropriately require that public access to private facilities, including MBYC, are provided under certain conditions. The verbiage in red should be added to LUC 20.25E.060 I and related sections as shown below.

#### **20.25E.060 General Requirements Applicable to all Shoreline Development and Uses I. Public Access**

1. Purpose and Scope. ...Consequently, public access, or when appropriate, visual access, shall be incorporated in all new development, reconstruction or replacement project **of public recreational facilities** with some modest exceptions. **Incorporation of public access (or visual access) into new, re-constructed or replaced private recreational facilities shall be voluntary.** Single-family residences are not required to provide public access, unless part of a new subdivision...
2. When Required.
  - d. Recreation use projects **in publicly owned areas of the shoreline** that propose new uses or the reconstruction or replacement of existing uses.

**Also modify sections 3 thru 9 of LUC 20.25E.060 and applicable sections of LUC 20.25E.070 to incorporate the concept that public access to private recreational facilities shall be voluntary.**

**From:** Michael Booth [mailto:michael.s.booth@gmail.com]  
**Sent:** Wednesday, April 20, 2011 11:06 PM  
**To:** Helland, Carol; Inghram, Paul  
**Subject:** Nice to meet you

Thanks for the helpful information at tonight's SMP open house. You were both helpful, knowledgeable, and personable.

I've included the email I sent on to the Rosemont Beach group summarizing what I learned. Hopefully I didn't misrepresent anything too badly.

-Mike Booth

----- Forwarded message -----

From: **Michael Booth** <[michael.s.booth@gmail.com](mailto:michael.s.booth@gmail.com)>  
Date: Wed, Apr 20, 2011 at 11:00 PM  
Subject: Some data from the City Hall open house about the Shoreline Master Plan  
To: [rosemontbeach@yahoo.com](mailto:rosemontbeach@yahoo.com)

After hearing about the Shoreline Master Plan from this e-mail group the other day, I decided to go to the open house discussion about it at City Hall this evening. Our family is new to Rosemont Beach (we're at 696), and I wanted to learn more about how this all works.

I've attached pictures I took of the informational posters they had set up to address common questions and concerns. They were pretty useful.

I spoke with several officials at the open house, but most of my data comes primarily from Carol Helland (Land Use Director, [chelland@bellevuewa.gov](mailto:chelland@bellevuewa.gov), 425-452-2724) and Paul Inghram (Planning Manager, [pingham@bellevuewa.gov](mailto:pingham@bellevuewa.gov), 425-452-4070).

Here are some specifics I learned (NOTE: This is my summary from memory, and I could have some details wrong. Use at your own risk!):

- \* The Ordinary High Water Mark (OHWM) is not being changed. The existing 1971 level remains in place, and is the default value to use. However, you will be able to have a site-specific evaluation done if you think your location's water level is different.
- \* The setback distance from the OHWM is being increased from the current distance of 25' to 50'
- \* The existing footprint of houses/structures closer than 50' (up to 25') are "grandfathered in". In other words, if you can remodel within that footprint (for the part of the structure within 50' of the water), no additional permits/etc are needed.
- \* You can repair/maintain existing shoreline as-is, without permits. Retaining walls, docks, grass, landscape, etc are "grandfathered in".
- \* If more than 50% of your retaining wall needs repair, that is considered new construction and falls under the new rules.
- \* If more than 20% of your dock's decking needs replacement, it will have to be with grated decking. Why the grated decking? Sunlight. Bass thrive in the dark under the decks, and eat the

juvenile salmon that swim by in the shallows.

The city also has a webpage with information, including the entire SMP draft document, here:  
<http://www.bellevuewa.gov/shoreline-master-plan.htm>

Hopefully this is helpful information.

-Mike Booth @ 696

RECEIVED

MAY 13 2011

Development Services

**MUCKLESHOOT INDIAN TRIBE**  
**Fisheries Division**

39015 - 172<sup>nd</sup> Avenue SE • Auburn, Washington 98092-9763  
Phone: (253) 939-3311 • Fax: (253) 931-0752



May 10, 2011

Ms. Carol Helland  
Environmental Coordinator  
City of Bellevue  
Development Services Department  
450 110 Avenue NE, P.O. Box 90012  
Bellevue, WA 98009-9012

**RE: Bellevue's Shoreline Master Program Update, 07-122342 AC, 11-103227 AD,  
Determination of Non-Significance**

Dear Ms. Helland:

The Muckleshoot Indian Tribe Fisheries Division (MITFD) has reviewed the City of Bellevue's Draft Shoreline Master Program (SMP), including the Draft Shoreline Policies; Draft Shoreline Regulations; Restoration Plan; and the Shoreline Analysis Report, as well as, the threshold determination (DNS) for this project. We are attaching our comments in the interest of protecting and restoring the Tribe's treaty protected fisheries resources.

The MITFD appreciates the City's commitment and ongoing efforts to protect and restore salmon habitat. Clearly, the Shoreline Master Program can be a powerful tool that City can use for this purpose. The Draft SMP should be revised to acknowledge the importance of the Lakes Washington and Sammamish and associated shoreline tributaries for the Tribe's ceremonial, commercial and subsistence fisheries. Tribal members fish in Lake Washington and Lake Sammamish, including areas within the City of Bellevue. The City needs to ensure that the SMP and its implementation do not continue the degradation of treaty protected fisheries resources or impact Tribal members' ability to access these resources.

Thank you for the continued opportunity to review and comment on the SMP. Please call me at 253-876-3116 if you would like to meet and discuss these comments.

Sincerely,

Karen Walter  
Watersheds and Land Use Team Leader

Cc: David Radabaugh, WDOE, NW Region  
Matthews Jackson, Bellevue, Development Services Department  
Michael Paine, Bellevue, Development Services Department

The following comments are linked to specific SMP documents that we reviewed. We have identified these comments by page number and specific sections where possible. If we did not comment on a particular document, then we had no comments to offer at this time.

Specific Comments to the Public Hearing Draft Policies May 25, 2011

1. SH-70, page 19- This policy should require compliance with no net loss of functions and mitigation sequencing. BMPs will likely not be enough for a permanent structure in the shoreline setback. Consider using similar language from other policies (i.e. except "...where there is no technically feasible alternative, and where impacts to ecological functions, in both the long-and-short-term, can be adequately mitigated."
2. SH81 and SH82, page 21- These policies conflict regarding the location of new utilities. Policy SH81 is more protective of the shoreline environment.
3. Policy SH-83, page 21- New in-stream facilities should not be allowed; rather other non-structural steps to avoid instream impacts to salmon habitat should be taken including on the flooding properties first, including buying them.
4. Policy SH-86, page 21- may not be achievable as lake levels for Lake Washington and consequently Lake Sammamish are managed by the US Army Corps of Engineers through Congressional authorization. Furthermore, lake levels are managed such to create a reverse hydrology opposite of what native shoreline-dependent plant and animal species including salmon in Lake Washington and Sammamish would naturally experience.

Specific Comments to the draft Shoreline Regulations

5. 20.25E.030 Shoreline Use Charts, page 10, Aquaculture. The table should be modified to allow aquaculture associated facilities within at least the two Urban Conservancy shoreline designations since there may be a need to have an upland structure or facility associated with the aquaculture activity.
6. 20.25.E.060.K, Vegetation Conservation standards applicable to all shoreline development and uses, page 16-  
Trees that are cleared and are at least 4 inches in diameter and within 200 feet of the shoreline of areas regulated under Bellevue's Shoreline Master Program (i.e. Lake Washington, Lake Sammamish, Kelsey Creek, etc) should be placed back into the affected waterbodies or at least made available for City restoration projects. Otherwise, there will be an unmitigated temporal loss of future wood recruitment necessary to create and maintain salmon habitat.
7. 20.25E.065.I.4, New and Replacement Residential Dock Standards, page 23-  
This chart should have a maximum amount of overwater coverage in square feet for piers and docks. We recommend using the standards provided in the U.S. Army Corps of Engineers regulations in the Regional General Permit 3 (see

[http://www.nws.usace.army.mil/publicmenu/DOCUMENTS/REG/RGP%203%20Final%20Text%206-13-05\\_.pdf](http://www.nws.usace.army.mil/publicmenu/DOCUMENTS/REG/RGP%203%20Final%20Text%206-13-05_.pdf)

8. 20.25E.080.E.4.d, pages 7 and 8-

This section should have a maximum amount of overwater coverage in square feet for piers and docks. We recommend using the standards provided in the U.S. Army Corps of Engineers regulations in the Regional General Permit 3 (see

[http://www.nws.usace.army.mil/publicmenu/DOCUMENTS/REG/RGP%203%20Final%20Text%206-13-05\\_.pdf](http://www.nws.usace.army.mil/publicmenu/DOCUMENTS/REG/RGP%203%20Final%20Text%206-13-05_.pdf)

9. 20.25E.065.I.4.b.v, page 26, Open-sided Boat Moorage Covers should be required to be made from translucent material.

#### Shoreline Restoration Plan

10. The shoreline restoration plan is a good collation of existing information and proposed projects from salmon recovery plans that could occur within the City. However, the plan lacks specific details about when the potential projects will be implemented and the City's role (including financial) in getting these projects completed. As a result, more details should be provided, otherwise there is no commitment that the City's restoration plan will be implemented.

11. The Shoreline Restoration Plan is an opportunity to describe the progress towards implementing the various actions listed from the WRIA 8 Chinook Salmon Conservation Plan. The plan has been in place for many years now and there should be some progress towards the specific projects listed in the Shoreline Restoration Plan and/or a timeline for implementation. The WRIA8 website has a recent progress report that may be helpful.

12. The proposed Larsen Lake restoration project should be removed from the Shoreline Restoration Plan as this project has been approved for offsite mitigation needed for the Costco redevelopment project at 15025 Main Street. A new project should be proposed in its place.