



# MEMORANDUM

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DATE: January 28, 2009

TO: Chair Orrico, Members of the Planning Commission

FROM: Carol Helland, Land Use Director  
Michael Paine, Environmental Planning Manager, DSD  
Heidi Bedwell, Associate Planner, DSD

SUBJECT: Shoreline Master Program Update—Bellevue File # 07-122342 AC

At the January 28<sup>th</sup> study session, Ian Stewart from EMC Research will return to give the Commission a brief summary of the findings from the City's formal focus group with shoreline property owners conducted in November of this year. Staff will then introduce a framework for development of shoreline policies and regulations with the intention of preparing the ground for a presentation by the Dan Nickel of the Watershed Company, who will outline the purpose, methods, and conclusions of the just completed Shoreline Inventory and Analysis. Staff will then outline the key components of our proposed work plan over the next six months and seek the Commission's concurrence with the proposed approach.

The balance of this memo summarizes current project status, discusses briefly the character of the focus group, and provides previously requested details of the Shoreline standards included in the current Critical Area Code.

## **DIRECTION NEEDED**

Staff requests direction from the Commission in two specific areas:

- We seek your input on our approach to the work plan from now until July
- Identification of issues or concerns needing further exploration in further public outreach

## **SCHEDULE AND CURRENT STATUS**

The Update has been formally underway since the beginning of 2008; however much of the work to date has been performed by the City's consultant team and involved the compiling of inventory and characterization data that will be presented to you tonight. In addition to the inventory and characterization work, the City has held a public boat tour of the Lake Washington shoreline, conducted a public opinion survey, and hosted a focus group with property owners along the shoreline. The table below outlines the substantive phases that have been completed and the upcoming work:

<b>Phase 1:</b>	Jurisdictional determination and inventory	Complete
<b>Phase 2:</b>	Shoreline analysis and characterization	
<b>Phase 3:</b>	Shoreline environment designation, policy and regulation	<i>(Winter 2009- Summer 2009)</i>
<b>Phase 4:</b>	Cumulative impacts, restoration planning, revisiting phase 3	<i>(Summer 2009- Winter 2009)</i>

At this point, we are beginning Phase 3. Phase 3 will involve multiple study sessions before the Planning Commission with the object of getting draft environment designations, policies and regulations to the Department of Ecology for initial review by September 2009. During this time, two or more public outreach events are planned, including a focus group meeting with industry and construction representatives and two open houses. Phase 4 also involves the Planning Commission and ends with a tentative recommendation to City Council on the entire Master Program. Following Council adoption, the Master Program will undergo final review by Ecology.

### **INITIAL FOCUS GROUP**

EMC Research conducted one focus group on November 18<sup>th</sup>, 2008. Participants were recruited from waterfront properties in the City of Bellevue. Most of the participants in the group have properties with a bulkhead or some other man-made barrier, and all participants in the group said they are likely to make changes to their shoreline in the next few years.

The focus group was designed to test perceptions of shoreline property owners regarding the shoreline, potential changes that could be made, and ways to encourage implementation of these changes. The changes considered were all designed to create shorelines that are closer to a “natural” or more ecologically sustainable state and involved a range of prescriptions from modest revegetation to complete bulkhead restoration.

Ian Stuart, of EMC Research will present a summary of the findings. See also the attached document for more details. The reactions and comments of the group participants will help inform the City as it designs programs and incentives to encourage Bellevue shoreline residents to adopt more ecologically friendly shoreline treatments. The results of this group can be applied to public outreach, shoreline restoration program design, and marketing of both efforts.

### **FRAMEWORK FOR THE DEVELOPMENT OF POLICIES AND REGULATIONS**

The work of the Commission will become more robust in the next several months as staff works with you and the public to develop policies and regulations that meet the intent of the shoreline guidelines. This effort is aimed first at establishing shoreline master program policies that establish broad shoreline management directives. Such policies are the basis for regulations that govern use and development along the shoreline. Policies and regulations apply to all uses and

development within shoreline jurisdiction, whether or not a shoreline permit is required, and are implemented through an administrative process established by local government

This work will involve several discrete steps including: (1) picking appropriate shoreline environments; (2) developing general policies; (3) developing policies and regulations for shoreline modification; and, (4) creating policies and regulations to address specific uses.

The underlying concept for the Update is that the inventory and analysis information, in concert with community vision, and mediated by the three major goals of the Shoreline Management Act—the protection and restoration of the valuable and fragile natural resources; the fostering of those “reasonable and appropriate uses” that are dependent upon waterfront proximity; and the enhancement of public access or increased recreational opportunity—should be used to designate shoreline zones or “environments” with specific planning and ecological objectives.

For example, the designation “natural” is given to those areas where existing uses do not significantly interfere with natural systems, while the designation “urban” reflects conditions assumed to be more suitable for more intense development or so sufficiently degraded that natural systems are significantly impaired. Thus the shoreline “environment” becomes a short hand measure for suitability for varying uses and intensities of development. In most cases, this step spawns specific shoreline policies and regulations to support the environment designation.

## **DEVELOP GENERAL POLICIES AND REGULATIONS**

General policies and regulations are those that will apply to all shoreline uses and modification activities without respect to environment designation. They affect other more specific policies and regulations and can eliminate redundancy in an Shoreline Master Program (SMP). Examples include:

1. Archaeological and historic resources
2. Critical areas
3. Public access
4. Vegetation conservation
5. Water quality

## **SHORELINE USE POLICIES AND REGULATIONS**

A shoreline "use" is the end to which a land or water area is ultimately employed. Regulations in SMPs are often referred to as “use requirements.” **Use policies** establish the principles applicable to each use category and serve as a bridge between SMP goals and the use regulations. **Use regulations** set physical development and management standards addressing, for example: location restrictions, design considerations, limitations on construction and materials, buffer and setback requirements, etc. Shoreline use policies and regulations are specific to individual use categories. Additionally, the Commission can recommend any of the following uses be permitted only through a conditional use approval specific to an environment designation:

1. **Agriculture**
2. **Boating Facilities**
3. **Commercial Development**
4. **Industry**
5. **In-Stream Structures**
6. **Recreational Development**
7. **Residential Development**
8. **Transportation and Parking**
9. **Utilities**

## **DEVELOP POLICIES AND REGULATIONS FOR SHORELINE MODIFICATION**

Shoreline modification activities are actions that modify the physical configuration or qualities of the shoreline area. They are typically **construction activities** such as building a dock, bulkhead or restoration project, but they can include other actions such as clearing, grading, or application of chemicals. As described in Ecology's guidelines, shoreline modification activities are undertaken in support of or in preparation for a shoreline "use." Shoreline "uses" generally are ongoing and the policies and regulations related to them must deal with functional relationships inherent in the individual uses, and pertain to long term management. Modification activities represent a physical alteration of the shoreline so activity regulations deal with more immediate, time-limited physical impacts. (Please note that the City has already adopted specific standards for some shoreline modification activities as outline below.)

## **SHORELINE STANDARDS ADDRESSED IN THE CRITICAL AREAS UPDATE**

Commission members expressed an interest in being reminded about those items that were shoreline related and addressed in the Critical Areas update. Relevant policies and regulations were amended through the Critical Areas update process. These included: moorage standards, bulkhead standards, buffers and setbacks.

The pier standards were updated to align more closely with other regulatory agency such as the Army Corps of Engineers and the Washington State Department of Fish and Wildlife. These standards control the size, length, amount of overwater coverage, location of piers, and construction specifications for residential and commercial piers. The rules also contained required mitigation measures for new or expanded moorage facilities. Significant repairs to existing moorage can trigger partial compliance to the standards. Minor repairs, tightly defined, may proceed without significant restriction.

Likewise the shoreline stabilization standards were updated with special attention to the State's guidelines for these shoreline modifications. Key provisions include the requirement that new or

enlarged shoreline stabilization measures are permitted only to protect existing primary structures, public facility or public use structures and allowed land area. The selection of the appropriate stabilization method is encouraged by requiring an applicant to prove that soft stabilization measures are not technically feasible. Only minor repair is permitted outright. Major repair is treated like a new shoreline stabilization measure and is subject to the no technically feasible standard discussed above.

The other key change involved the establishment of a 25-foot buffer on the shoreline instead of a structure setback. With minor exceptions, buffers on the shoreline are nondisturbance areas, which, in ideal circumstances, maintain functions critical to shoreline ecology and lessen impacts on the aquatic zone of upland development. On developed sites, a 25-foot structure setback is added to the buffer for a total of 50 feet. On undeveloped sites—sites without a primary residence—this buffer is expanded to 50 feet with no additional structure setback.

## **SHORELINE INVENTORY AND CHARACTERIZATION**

Dan Nickel with The Watershed Company will introduce the Commission to the recently completed Shoreline Inventory and Analysis. He will review some of the guiding principles and outline the methodology and some of the key results of both the Inventory and the Analysis. The presentation will include an overview of analysis of shoreline ecological functions and provide recommendations to assist the Commission with creation the foundation for SMP policies and regulations.

## **NEXT STEPS**

Staff will return on February 25<sup>th</sup> to discuss potential environment designations. Immediately prior to the planning commission meeting, staff will hold an informational open house for the public. The purpose of this public open house is to provide citizens an opportunity to become familiar with the update process and provide them with general information about the requirements of the update and steps taken so far. Also in February staff will hold an additional focus group with participants from the construction and marina industries.

Future meetings have been tentatively scheduled around the following topic areas:

2/25/09	Environment Designations
3/25/09	General Goals and Polices
4/22/09	General Use Regulations
5/27/09	Use Regulations
6/24/09	Shoreline Modification Regulations

It is staff's intention to provide the Commission with agenda memos and presentations designed to focus on key components of each topic area, with the objective of getting clear direction on how to proceed. Based on the Commission's direction, specific policy and code language will follow later in the year.