City of Bellevue

DATE: October 14, 2009

TO: Chair Sheffels, Members of the Planning Commission

FROM: Michael Paine, Environmental Planning Manager, DSD, 452-2739
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SUBJECT: Shoreline Master Program (SMP) Update—Bellevue File # 07-122342 AC

INTRODUCTION

At the October 14th study session, Denny Vidmar, Director of the Bellevue Utilities Department, will provide the Commission with an overview of the City's storm and surface water management responsibilities. This is the second in a series of presentations designed to provide the Commission and the public with background information on key issues relevant to the Update process. Mr. Vidmar's presentation will address the City's role in storm and surface water management and how that relates to protections addressed through the Shoreline Update. It is the staff objective for these science presentations to respond to key technical questions which will inform the Commission's policy and regulatory choices and ground the discussion in the science surrounding shoreline protection and management.

The presentation planned for October 14th follows the presentation by Dan Nickel on September 23rd, which introduced a basic conceptual model describing the changes to aquatic habitat and ecosystem functions brought about by urban development. The notion of continued degradation of ecological functions was discussed in the context of the no net loss standard required by the Shoreline Master Program Guidelines. In general, human induced changes along the City's shorelines have altered the physical, chemical, and biological processes that create and maintain the shoreline aquatic and terrestrial habitats. However, Bellevue's shoreline areas still provide multiple ecological functions and values and present habitat rehabilitation and preservation opportunities despite residual impacts related to existing development that continue to degrade shoreline ecosystems even absent further development. As a result, protection of existing shoreline functions and rehabilitation of degraded conditions through mitigation and restoration is essential in maintaining a baseline level of ecological function. Mitigation is typically included as a tool in both regulatory and incentive programs and restoration is addressed through the restoration plan that is developed as required through the City's SMP update.

STORM AND SURFACE WATER MANAGEMENT IN BELLEVUE

Tonight's presentation on storm and surface water management will discuss the separate but complimentary goals of the Utility Department programs and the Shoreline Master program. Stormwater management is the responsibility of a variety of individuals and groups from the general public and developers to regional, state, and federal agencies and of course the City itself through its CIP program. Stormwater runoff is generated when precipitation from rain and

snowmelt events flow over land or impervious surfaces and does not seep into the ground. As the runoff flows over the land or impervious surfaces (paved streets, parking lots, and building rooftops), it accumulates debris, chemicals, sediment or other pollutants that could adversely affect water quality if the runoff is discharged untreated. The primary method to control stormwater discharges is the use of best management practices (BMPs). The Utilities Department is responsible for requiring and implementing BMPs to address stormwater impacts throughout the City. Among other things, the Storm and Surface Water Utility's operations include flood control, maintenance, and enhancement of surface water quality, protection of sensitive areas, and public education.

PRESENTATION QUESTIONS

Staff anticipates that during this and subsequent scheduled presentations the Commission and members of the public may have questions related to the topics presented. To manage the collection and delivery of questions from the public to the speaker, staff will be distributing note cards to the audience in attendance at the beginning of the presentation. If a member of the audience has a specific question that they would like addressed by the speaker, they will be asked to write the question on the note card provided. At the end of the presentation the note cards will be collected and delivered to the Chair of the Commission. After the Commissioners have had a chance to ask questions of the presenter, the Chair will select, a few questions from the audience that are relevant to the presentation by the guest speaker. We anticipate the presentations to last approximately 45 minutes to 1 hour, and have allowed for approximately 15 minutes of question and answer following the presentation. The Commission will be using this process to manage questions from the public directed to the speaker throughout the speaker series.

ISSUES LIST

As identified in the September 23, 2009 agenda memo, staff has compiled a list of questions that were identified during past meetings and are being tracked for anticipated resolution at a later date as we progress in the development of the City's draft SMP. Staff has added questions identified during the last meeting to this list. The list is included as Attachment 1 to this memo.

NEXT STEPS

Staff have included a revised schedule with the list of topics and presenters anticipated in the near future as Attachment 2 to this memo. As staff is able to secure additional speakers for scheduled meetings, we will revise the proposed schedule. When possible we will try to provide a summary of the speakers proposed presentation in advance of the meeting as part of the published agenda packet.

ATTACHMENTS

Attachment 1 – Issues List
Attachment 2 – Revised Project Schedule

October 14, 2009 Planning Commission Meeting Agenda Memo - Attachment 1

City of Bellevue Shoreline Master Program Update

Issues Tracking Sheet

10/06/2009

Tracking Number	Issue/Question	Origin (Date; Origin – i.e. Commission Request/ Staff Proposal)	Response/Resolution
1	Summarize all critical areas elements to be transferred to new SMP from CAO section of LUC.	Date: May 27, 2009 Origin: Commission Meeting Questions	This analysis was included in the July 8, 2009 meeting memo and presentation by staff. This effort is ongoing and we expect more discussion about transfer of specific elements from the CAO to the SMP will take place as the SMP develops and work focuses on some of the elements included in the CAO.
2	Summarize Anacortes CAO/SMP issues.	Date: May 27, 2009 Origin: Commission Meeting Questions	A summary of these issued was included in the July 8, 2009 meeting memo. Legal staff was present at this meeting and provided an overview and answered questions.
3	Develop options/programs for Bellefield Option #2 to better describe how this option would function.	Date: May 27, 2009 Origin: Commission Meeting Questions	Options were developed for Bellfield and presented at the July 8, 2009 meeting. Specifics to be developed as update process moves out of policy portion of process and into regulation.
4	Identify possible incentives to relocate/consolidate buildings in areas of least sensitivity on Bellefield site.	Date: May 27, 2009 Origin: Commission Meeting Questions	Discussed during the July 8, 2009 meeting.
5	Contact St. Josephs – discuss SMP update with them and ask them about their long term goals.	Date: May 27, 2009 Origin: Commission Meeting Questions	Staff have contacted this property owner. A meeting was held and a follow up letter was included in the July 8, 2009 desk package. During the July 8, 2009 Planning Commission meeting staff and the Commission agreed that Shoreline Residential is the best option for this property given the circumstances.
6	Contact Meydenbauer Condos. Discuss SMP update with them.	Date: May 27, 2009 Origin: Commission Meeting Questions	Staff have contacted both the Meydenbauer Bayshore Condos and the 101 Meydenbauer Condos. A meeting was held with the Meydenbauer Bayshore Home Owners Association. A follow up letter was included in the July 8, 2009 desk package.
7	Identify the differences between the two possible designations for Meydenbauer Condos.	Date: May 27, 2009 Origin: Commission Meeting Questions	Additional analysis was included in the July 8, 2009 meeting memo. During the July 8, 2009 Planning Commission meeting staff and the Commission agreed that Shoreline Residential is the best option for this property given the circumstances.
8	Identify what dock restrictions might apply to Meydenbauer Condos.	Date: May 27, 2009 Origin: Commission Meeting Questions	Staff have analyzed this site and have identified that a shared dock could be constructed at either the Meydenbauer Bayshore Condos or the 101 Meydenbauer Condos, however permitting for this type of amenity would be complex and would require Corps, WDFW (HPA), and City permits. Any proposed dock may require the construction of a boardwalk across the wetland area in order to reach a depth of water sufficient to construct a dock that meets the dimensional standards in LUC 20.25E. Dredging may also be required if the depth limitations are prohibitive.
9	Contact other property owners with sites where special designation is proposed.	Date: May 27, 2009 Origin: Commission Meeting Questions	Staff have contacted Vasa Park Resort and informed them of the status of the update and the proposed environment designation for the Vasa Park property. A copy of correspondence was included in the July 8, 2009 desk packet.
10	Refine definitions of Urban Conservancy vs. Urban Conservancy Low Intensity to better differentiate between the two – otherwise combine into one.	Date: May 27, 2009 Origin: Commission Meeting Questions	In response to this request staff have modified the Urban Conservancy – Low Intensity proposed environment to Urban Conservancy – Open Space, as this is more reflective of the intent of this proposed designation.

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11	Define what is meant by mutual consistency.	Date: May 27, 2009 Origin: Commission Meeting Questions	See July 8, 2009 desk packet for complete response to this request.
12	What public uses are allowed in the aquatic environment?	Date: May 27, 2009 Origin: Commission Meeting Questions	Navigable waters, such as Lake Washington and Lake Sammamish, that are assigned an Aquatic Environment designation are open to use by the public regardless of the ownership of the underlying shoreland (public or private). See full response to this request in the July 8, 2009 desk packet.
13	Where does private ownership end and State ownership of aquatic lands begin?	Date: May 27, 2009 Origin: Commission Meeting Questions	See July 8, 2009 desk packet for complete response to this request.
14	Can the public use a beach if it is below the OHWM?	Date: May 27, 2009 Origin: Commission Meeting Questions	See July 8, 2009 desk packet for complete response to this request.
15	Compile # and type of permits processed related to shoreline development following adoption of CAO.	Date: July 8, 2009 Origin: Commission Meeting Questions	In response to this request staff are completing a study of shoreline permits issued since effective date of the CAO. We anticipate providing this information when related to Planning Commission discussion.
16	Provide OHWM study to Commission	Date: July 8, 2009 Origin: Commission Meeting Questions	Staff have made copies of this study and supporting documentation and have added it to the project library.
17	Provide past minutes from CAO update to Commission.	Date: July 8, 2009 Origin: Commission Meeting Questions	Minutes from past CAO meetings are being located and printed for the Commission to review. We anticipate providing these at the October 14, 2009 meeting.
18	Develop an innovative incentives scenario for option 2 of Bellfield Office Park.	Date: July 8, 2009 Origin: Commission Meeting Questions	Staff anticipates completing additional analysis on redevelopment incentives for the Bellfield Office Park as the SMP moves into the development of regulations.
19	Make provisions for routine maintenance as allowed in Marina Civic.	Date: July 8, 2009 Origin: Commission Meeting Questions	To be added to the allowed use charts for Marina Civic and brought to future Planning Commission meetings when discussion on Marina uses begin again.
20	Develop a more detailed analysis and recommendation on allowed uses vs. conditional uses for marinas. Consider value in retaining hearing process for marina. Also include summary of how performance standard would work.	Date: July 8, 2009 Origin: Commission Meeting Questions	Staff are working on a more advanced analysis of different uses in the Marina environment and anticipate having this complete as we begin additional discussions on the Marina environment and what uses can/should be allowed.
21	Create an active calendar identifying the next steps and track process several months out.	Date: July 8, 2009 Origin: Commission Meeting Questions	Staff have developed a calendar to be presented to the Commission at the September 23, 2009 meeting and updated for every subsequent meeting.
22	Information should be delivered to the Commission in advance of the meetings with sufficient time for Commission review before the meeting.	Date: July 8, 2009 Origin: Commission Meeting Questions	Desk packets will only be used for general information or for information related to future meetings. Staff do not anticipate delivering desk packets to the Commission that include information on the evenings topics.
23	Request from public regarding who is responsible point of contact in City regarding dredging/siltation of Meydenbauer Bay.	Date: July 22, 2009 Origin: Commission Meeting Questions	Customers with non-development related Utilities Department questions should contact the Utilities Maintenance information line at 425-452-7840, or email the Operations and Maintenance support staff at OMSupport@bellevuewa.gov . Utilities questions related to development projects should be reported to the Utilities Review desk at 425-452-4187. The Utilities Department director will be

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			present at the October 14 meeting to answer any questions the Commission may have on this.
24	Identify clearly what points of public involvement are available in the update process.	Date: July 22, 2009 Origin: Commission Meeting Questions	Staff have reviewed the public outreach completed to date as part of the SMP update and at the September 23, 2009 meeting will continue to review with the Commission what steps staff plan to take to engage interested parties and the public.
25	Identify which rules may not be accepted by Ecology. Some existing rules CAO adopted rules may not be acceptable to Ecology as part of update process.	Date: July 22, 2009 Origin: Commission Meeting Questions	Staff anticipate that this will be an ongoing process as we begin to look at what regulatory concepts may yield the desired outcomes identified. We anticipate looking at what rules we have developed, how effective they have been, and where improvements can be made. We also anticipate having discussions regarding specific components of the CAO that may not be acceptable to Ecology with the Commission at future meetings.
26	Provide a summary of other jurisdictions SMP policies and regulations, especially Redmond's.	Date: July 22, 2009 Origin: Commission Meeting Questions	A policy and regulation comparison document is in development and is intended to review several jurisdictions SMPs with the purpose of identifying unique concepts, departures from the WAC Guidelines, and new regulatory concepts.
27	Need to clarify when we are amending WAC citations vs. adopting the WAC section verbatim.	Date: July 22, 2009 Origin: Commission Meeting Questions	Staff will attempt to identify what sections of the WAC Guidelines are anticipated to be adopted verbatim and when a departure is appropriate given Bellevue's specific circumstances/conditions.
28	Request that staff provide a summary of how public access dedication would work.	Date: July 22, 2009 Origin: Commission Meeting Questions	To be completed in conjunction with development of draft regulation.
29	When WAC guidelines are required vs. when they are suggestions. Possibly create a summary of WAC guidelines and extract what is required vs. what is optional.	Date: July 22, 2009 Origin: Commission Meeting Questions	Staff is developing a matrix that will, as far as practicable, identify when specific portions of the WAC Guidelines are required
30	Buffers vs. use of other terminology like vegetation preservation area.	Date: July 22, 2009 Origin: Commission Meeting Questions	Staff to analyze the benefits of using specific terminology related to regulation. To be completed in conjunction with future discussions on regulatory concepts.
31	Request for a discussion on science supporting update.	Date: July 22, 2009 Origin: Commission Meeting Questions	In response to this request staff have organized several science briefing meetings in the fall of 2009. See the September 23, 2009 meeting Agenda Memo for more details.
32	Provide a list of elements to be transferred from CAO and identify which we will be revisiting and which are not open for discussion.	Date: September 23, 2009 Origin: Commission Meeting Questions	As presented during the September 23, 2009 meeting these elements will be presented after the science briefings and will serve as a starting point in drafting regulation. Any changes to the 2006 regulations would be necessarily limited, and would be based on experience gained from three years of permit review, significant changes in scientific understanding, changes in the environmental context that was identified during the shoreline characterization (Phase 2), and ideas advanced by the regulated community that would achieve the same outcome at less cost or impact on private property owners. See item #1 above.
33	Create and maintain a glossary of terms related to the update.	Date: September 23, 2009 Origin: Commission Meeting Questions	In development. To be delivered following science meetings after additional terms have been identified during meetings.

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34	Provide a list of environmental regulations that apply in Bellevue toward protection of natural resources and environmental quality.	Date: September 23, 2009 Origin: Commission Meeting Questions	Staff to compile and present at the agency panel discussion in December.
35	Research and summarize the impacts of recreational water users on lake functions and water quality.	Date: September 23, 2009 Origin: Commission Meeting Questions	Staff have already begun to research this issue in response to editorial articles published in the Bellevue Reporter. Staff have been in contact with other jurisdictions in different parts of the country that face similar problems in an effort to identify unique ways of dealing with these issues.
36	Identify what elements in the Parks Levy package include improvements in the City's lake water quality.	Date: September 23, 2009 Origin: Commission Meeting Questions	Staff have forwarded this question to the Parks Department and have asked for a response.

Attachment 2

October 14, 2009 Planning Commission Meeting Agenda Memo
Shoreline Master Program Update Project Planning Commission Schedule

DATE	TOPIC
March 12, 2008	• Brief introduction to SMP- highlighting major steps
July 23, 2008	• Current status, next steps and key future milestones of Shoreline Master Program (SMP) Update
Sept. 10, 2008	• Ian Stewart- EMC Research- results of opinion survey • Current project status, survey's key findings, and details of upcoming shoreline boat tour September 20th
Jan. 28, 2009	• Ian Stewart EMC Research-summary of findings from City's formal focus group with shoreline property owners conducted in November 2008. • Framework for development of shoreline policies • Presentation by Dan Nickel of The Watershed Company- purpose, methods, and conclusions of Shoreline Inventory and Analysis Report • Key components of proposed work plan- Commission's concurrence with proposed approach • Current project status, character of focus group, and details of Shoreline standards included in Critical Area Code
Feb. 25, 2009	• Potential shoreline environment designations • Direction from Commission on range of designations appropriate for Bellevue and areas identified in the Inventory and Analysis warranted special treatment
May 27, 2009	• Continued discussion of potential shoreline environment designations • Information regarding proposed "alternative" designations for sites
July 8, 2009	• Legal department presentation - Shoreline Management Act with focus on Anacortes case • Details of Critical Areas code • Site specific environment designations-revised vision for Bellefield Office Park Option #2 and summary of past discussions for alternative designations • Affected property owners input summary
July 22, 2009	• Policy review necessary for the required SMP update • Central role of Guidelines • Key components of a master program • Way to move forward updating the SMP • Policy work including purpose language and management policies for each adopted environment designation
September 23, 2009	• Strategy for moving forward • Introductory science briefing- Dan Nickels The Watershed Company • Tracking and providing information to the PC
October 14, 2009	• **City of Bellevue Storm and Surface Water Management - Denny Vidmar Director Utilities Department**
October 28, 2009	• Affect of Lakeshore Development on Aquatic Ecosystems- Tessa B. Francis PhD NOAA Fisheries

Attachment 2

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Shoreline Master Program Update Project Planning Commission Schedule

November 4, 2009	• TBD
November 18, 2009	• Behavior and Habitat use of Chinook Salmon - Roger Tabor and/or Mark Celedonia
December 9, 2009	• Tentative Panel/Presentation from related regional and state organizations engaged in similar SMA goal efforts (examples- Army Corps of Engineers, NOAA Fisheries, WDFW, WRIA 8, Puget Sound partnership)
December 2009/January 2010	• Regulatory Outcomes- TBD-Planning Commission Direction
Winter/Spring 2010	• Additional Regulatory and Policy Discussion
Spring /Summer 2010	• Cumulative Impacts Analysis and Restoration Plan
Summer 2010	• Local Approval
Summer/Fall 2010	• State Approval