



# MEMORANDUM

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DATE: October 20, 2011

TO: Chair Turner and Members of the Planning Commission

FROM: Carol Helland, Land Use Director 452-2724  
Shoreline Update Team  
Development Services Department

RE: Deliberations Regarding the Draft Shoreline Master Program Update –  
Vegetation Conservation Issue Consideration

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On October 12, the Planning Commission held its annual retreat at the Bellevue Botanical Gardens. One focus of the retreat agenda was the Shoreline Master Program (SMP) Update process and how the project should be moved forward to completion.

Based on the Planning Commission discussion at the retreat, staff came away with an understanding that the Planning Commission would like to depart from the line-by-line approach to reviewing the SMP Public Hearing Draft. There was general consensus among members that the Planning Commission would take an “Issue Based” approach to reviewing the SMP, with the goal of directing staff to draft new code to achieve current Planning Commission objectives for the program.

The Planning Commission meeting scheduled for October 26 was identified as the appropriate night to test the new “Issue Based” approach, and to explore whether the approach can serve as a “prototype” for review of the balance of the SMP Update. At the retreat, the Planning Commission identified vegetation conservation as the issue to use for development of the prototype review process, and the first issue for discussion.

### **Action Requested from the Planning Commission**

1. Direction on vegetation conservation issue to facilitate code drafting by staff to achieve Planning Commission objectives.
2. Feedback on the prototype process for review of the balance of the SMP Update.
3. Direction on next steps.

### **Direction on the Vegetation Conservation Issue**

To support the Planning Commission Issue Based approach, staff has identified the documents where vegetation conservation have been addressed to-date. These documents include references to relevant policies, prior study session materials, an index to public comments made regarding vegetation conservation, and Ecology requirements. Copies of these documents are provided on the Planning Commission website for the October 26<sup>th</sup> meeting, and can be accessed via the following link: [http://www.bellevuewa.gov/planning\\_commission\\_agendas\\_2011.htm](http://www.bellevuewa.gov/planning_commission_agendas_2011.htm) . The full record

of prior materials presented to the Commission is available at: <http://www.bellevuewa.gov/shoreline-master-plan.htm> Please let staff know if you would like hard copies of these materials provided to you. Staff has also prepared and included as Attachment A to this memorandum a matrix that compares approaches taken to SMP compliance by difference neighboring jurisdictions.

Based on the discussion from the retreat, staff anticipates that the Planning Commission will discuss the topic of vegetation conservation, formulate objectives for meeting the vegetation conservation requirements of the SMP, and direct staff to draft code or describe programmatic alternatives for achieving those objectives.

### **Feedback on the Prototype Review Process**

Following the discussion regarding vegetation conservation, it would be useful for staff to hear how the prototype review process worked for the Planning Commission.

Feedback in the following areas would be particularly useful in helping the staff to prepare packet materials for future Planning Commission meetings:

- Was the matrix summarizing different jurisdiction approaches to the selected topic useful?
- Were the links to full text of the SMPs prepared by other jurisdictions useful?
- Were the links to past information on the selected topic useful?
- Would Commission members prefer printed materials as an alternative to the links?
- Are there things the staff can do to better support Planning Commission decision making and provision of direction?

### **Next Steps**

At the retreat, each Planning Commissioner agreed to create a list of issues that they felt should be subjected to the prototype review process. Staff has looked through the record and offers the following issues for Planning Commission consideration that have been raised relative to provisions in the SMP Public Hearing Draft.

- Vegetation Conservation
- Setbacks/buffers
- Stabilization
- Docks
- Nonconformities
- Public Access
- Lake Levels
- Phantom Lake
- Document Length/Ease of Use/Cross Reference

In order to adequately prepare for future Planning Commission meetings, staff requests direction on the range of issues that should be subjected to the new review process, and identification of the next issue for discussion.

We look forward to seeing you on October 26, and continuing to support the Planning Commission review of the SMP and development of a recommendation to the City Council.

Shoreline Master Program Update Jurisdiction Comparison- Vegetation Conservation

STANDARDS WITHIN THE SETBACK/VEGETATION CONSERVATION AREA		Redmond (Approved by DOE)	Sammamish (Approved by DOE)	Kirkland (Approved by DOE)	Renton (Approved by Council)	Mercer Island (Approved by Council)	Public Hearing Draft	COB existing
	<b>Vegetation Preservation</b>	Trees and native vegetation within 35-foot building setback must be maintained.	Significant trees within the 50-foot setback area shall be retained, with the exception that the minimum necessary significant tree removal may occur for allowed development in order to utilize setback reductions. Removed significant trees shall be replanted at a 2:1 ratio.	Within the shoreline setback (30-60'), existing significant trees must be retained, provided that the trees are determined to be healthy. Other riparian vegetation in the amount of 75 percent of the nearshore riparian area located along or near the water's edge is to be preserved.	A vegetation conservation buffer for all residential lots is required. The required buffer is measured from the ordinary high water mark and is sized based on lot depth varying between 10 to 20 feet with a 10-foot minimum for shallow lots. In limited circumstances, required buffers may be averaged or reduced. Existing native vegetation within the vegetation conservation buffer may not be removed unless allowed in conjunction with an approved vegetation management plan.	No specific vegetation conservation standards and no direct reference to tree preservation standards.	A 25-foot vegetation conservation area for all residential lots is required. Within the vegetation conservation area all native trees and vegetation must be retained. The 25-foot vegetation conservation area is measured from the ordinary high water mark.	The Critical Areas Code (20.25H. LUC) does not include specific vegetation conservation standards for shoreline critical areas. Instead, use, development or land alteration is prohibited within the critical area and critical area buffer unless specifically allowed under LUC 20.25H and LUC 20.25E.
<b>Routine Landscape Maintenance/ Hazard Trees</b>	Existing landscaping and improvements in setback may be maintained provided that: (i) removal shall not be by mechanical means unless no feasible alternative exists;(ii) the extent of removal is the minimum necessary to achieve the above purposes; (iii) native plants are not removed for the purpose of establishing non-native plants; and (iv) the timing and duration of such removal is demonstrated not to have long-term adverse impacts on wildlife or fish. Dead, diseased, dying or hazardous trees may be removed.	Existing landscaping may be maintained. No direct reference to hazard trees.	Existing landscaping may be maintained. Healthy, diseased or nuisance trees that are removed or fallen trees in the shoreline setback must be replaced.	Existing landscaping and improvements located in the vegetation conservation buffer may be maintained to existing conditions through routine maintenance. No specific hazard tree exceptions are referenced.	No specific standards addressing routine maintenance of existing landscaping, removal of hazardous trees or noxious weeds.	Routine maintenance of existing developed landscaping is permitted. Hazardous tree removal and removal of noxious weeds is also permitted. Replanting is required.	Routine maintenance of existing developed landscaping is permitted. Hazardous tree removal and removal of noxious weeds is also permitted. Replanting is required.	

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	Redevelopment	<p>New development proposing to reduce the 35-foot building setback to 20' must re-vegetate the 20-foot setback with primarily native vegetation and establishment of tree canopy is encouraged. New development adhering to the 35' and reconstruction involving greater than 50% of the value of existing improvements must plant 50% of the area of the minimum 20-foot setback with native vegetation.</p>	<p>Lake Sammamish Vegetation Enhancement Area. Fifteen foot-wide portion of the shoreline setback immediately landward of the OHWM is reserved as a vegetation enhancement area in which existing trees and native vegetation are preserved or native vegetation is restored. Planting of the vegetation enhancement area is required when any new development or redevelopment project affects the shoreline setback. Developments less than 500 square feet require proportional, 1:1 planting. Standard also triggered when new or expanded bulkhead or expansions to other stabilization.</p>	<p>When a site does not comply with the standard to maintain 75% of the nearshore riparian area in native vegetation the site must be revegetated to a width of between 10-15'. Development activities which trigger need to revegetate include either an increase of at least 10 percent in gross floor area or alteration to any structure(s), the cost of which exceeds 50 percent of the replacement cost of all structures on the subject property.</p>	<p>A vegetation management plan is required with all new development or redevelopment that is proposed to impact the shoreline vegetation conservation buffer. Acceptable vegetation management plans must demonstrate how existing native vegetation is being preserved and how sites lacking native vegetation will establish a dense native vegetation community within the defined buffer. Large native trees are not required for inclusion in a vegetation management plan when demonstrated to measurably block access to water views. Native vegetation established as part of a vegetation management plan must be preserved for the life of the development. Use of an off-site vegetation conservation area is allowed in-lieu of providing on-site vegetation when approved through the shoreline variance process.</p>	<p>New development over 500 square feet of additional gross floor area or impervious surface requires the following landscaping if located adjacent to OHWM:</p> <ul style="list-style-type: none"> <li>o 20-foot vegetation area shall be established and 25% shall contain vegetation coverage</li> <li>o The 5 feet nearest OHWM shall contain at least 25% native vegetation</li> <li>o A shoreline vegetation plan shall be submitted to the City that includes a variety of shrubs and trees, excluding non-native grasses</li> <li>o No noxious weeds may be planted.</li> </ul>	<p>Up to 40% of the required vegetation conservation area may be developed with water related uses such as patios, paths, and walkways when an equivalent area within the vegetation conservation area is planted with native vegetation. New development or redevelopment of residential structures triggers a proportional landscaping standard that requires planting of up to 60% of the vegetation conservation area with native vegetation.</p>	<p>In certain circumstances, development may occur in the buffer with a showing of net gain in critical area function. Modification of vegetation in a critical area or critical area buffer may also be allowed under the terms of a vegetation management plan meeting the criteria at LUC 20.25H.055.h.i</p>

**ADDITIONAL STANDARDS FOR AREA OUTSIDE OF SETBACK OR VEGETATION CONSERVATION AREA**

	<i>Redmond (Approved by DOE)</i>	<i>Sammamish (Approved by DOE)</i>	<i>Kirkland (Approved by DOE)</i>	<i>Renton (Approved by Council)</i>	<i>Mercer Island (Approved by Council)</i>	<i>Public Hearing Draft</i>	<i>COB existing</i>
<b>Tree Preservation Requirements</b>	Minimum of 35 percent of the existing significant trees shall be preserved on site.	No direct reference to tree preservation outside setback area (except on Pine Lake).	City-wide tree preservation standard applies in area outside setback.	Outside of the shoreline vegetation conservation buffer, standard City of Renton tree retention standards apply.	Mercer Island has some additional tree preservation standards but these are not specifically referenced in their SMP.	Outside of the required 25-foot shoreline vegetation conservation area, generally applicable tree retention standards outlined at LUC 20.20.900 apply.	Outside of shoreline buffer and setback, generally applicable tree retention standards outlined at LUC 20.20.900 apply.

Code References	<a href="http://www.redmond.gov/cms/one.aspx?objectId=3466">http://www.redmond.gov/cms/one.aspx?objectId=3466</a>	<a href="http://www.ci.sammamish.wa.us/pdfs/departments/commdev/Shoreline%20Master%20Program%20Final%20Copy.pdf">http://www.ci.sammamish.wa.us/pdfs/departments/commdev/Shoreline%20Master%20Program%20Final%20Copy.pdf</a>	<a href="http://kirklandcode.ecitygov.net/CK_KZC_Search.html">http://kirklandcode.ecitygov.net/CK_KZC_Search.html</a>	<a href="http://rentonwa.gov/uploadedFiles/Business/EDNSP/planning/1465_Exhibit_D_REVISED_(August_2010).pdf">http://rentonwa.gov/uploadedFiles/Business/EDNSP/planning/1465_Exhibit_D_REVISED_(August_2010).pdf</a>	<a href="http://www.mercergov.org/Page.asp?NavID=2395">http://www.mercergov.org/Page.asp?NavID=2395</a>	<a href="http://www.belleveewa.gov/pdf/Land%20Use/Residential_Shoreline_Regulations_LUC_20.25E.065.pdf">http://www.belleveewa.gov/pdf/Land%20Use/Residential_Shoreline_Regulations_LUC_20.25E.065.pdf</a>	<a href="http://www.codepublishing.com/wa/bellevue/LUC/BellevueLUC2025H.html">http://www.codepublishing.com/wa/bellevue/LUC/BellevueLUC2025H.html</a> <a href="http://www.codepublishing.com/wa/bellevue/?LUC">http://www.codepublishing.com/wa/bellevue/?LUC</a>
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