



DATE: December 2, 2009

TO: Chair Sheffels, Members of the Planning Commission

FROM: Michael Paine, Environmental Planning Manager, DSD
Heidi Bedwell, Associate Planner, DSD

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

INTRODUCTION

The December 9 Planning Commission meeting is a continuation of the Commission's review and discussion of the Shoreline Master Program Update. At this meeting, a group of tribal, state and local agency representatives have been invited to discuss their agency's goals and roles so as to ensure their recommendations are appropriately considered in the Update as required by the Washington State Shoreline Master Program Guidelines (WAC 173-26-251). In addition to the agency panel, staff will be following up on citizen requests for an enhanced opportunity for community engagement.

No action is requested at this time. This agency panel provides an opportunity for review and discussion of the agencies' perspectives. Following the panel discussion, staff will be seeking Commission feedback on a list of draft community participation principles that can be used to inform staff development of an enhanced outreach effort for the Commission's review and approval in January.

This study session comes after a series of science and technical presentations to the Commission that addressed no net loss and cumulative impacts, water quality, the impact of residential development on habitat, wave action, and the effects of shoreline modifications. Earlier this year the Commission reviewed preliminary recommendations for shoreline designations that identify the primary use and character of shoreline segments. In early 2010, staff anticipates an enhanced community outreach process that provides an improved method by which shoreline property owners may communicate their issue to the Commission. This effort will lead into a discussion of shoreline policies and regulations and ultimately to formal review of a draft Shoreline Master Program (SMP)

An updated outline of the Shoreline Update process is included in Attachment 1.

Staff has also begun collecting and responding to questions received during past Commission meetings. We will post the question and answer to the Shoreline Update web page and send a direct response where an email address was added to the green question card.

AGENCY PANEL

At this study session, representatives of tribal, state and local agencies have been invited to talk about their goals and programs, their role in shoreline management, and how their agency goals might be appropriately considered in Bellevue's update of its SMP.

Such consideration is required by the Guidelines because shorelines of statewide significance are major resources from which all people in the state derive benefit. In an effort to recognize this statewide interest over local interest, the Guidelines require consultation with applicable state agencies, affected Indian Tribes, and statewide interest groups so as to ensure a local jurisdiction considers their recommendations in preparing shoreline master programs. Similar consultation is recommended as part of the inventory and analysis studies done earlier.

The SMA is unique in that it provides for joint jurisdiction of the shoreline, shared by the city and the state. Following city approval, a draft Shoreline Master Program must be approved by the state Department of Ecology before it becomes fully effective. Due to this state approval process, hearing from the Department of Ecology may be especially helpful.

Staff has asked that each agency or tribal representative give a short presentation on agency programs and objectives and their potential overlap with the objectives of the SMA; what each agency would like to see in our SMP update; and, what outcomes, if any, each agency feels are most important in terms of managing the resources under the jurisdiction of the SMA.

This presentation will assist the Commission to develop the necessary context and understanding to take into account the wider statewide interest required by the SMA for shorelines of statewide significance. For such shorelines, the SMA and the Guidelines set specific preferences for preservation of ecological resources, resources for future generations, and increased recreational opportunity. This is relevant because much of the SMA jurisdiction in Bellevue is identified as shoreline of statewide significance and agencies and tribes have an important role in approval of final regulations and administering construction permits.

SHORELINES OF STATEWIDE SIGNIFICANCE

The focus on statewide interest is reflected directly in the SMA. In Bellevue, Lake Washington and Lake Sammamish are designated in RCW 90.58.030 as Shorelines of Statewide Significance because they are both larger than 1000 acres in size. This designation raises their status in two ways. First, the SMA sets specific preferences for uses of shorelines of statewide significance, including preference for the statewide interest over the local interest, preservation of the natural character, long-term benefit over short-term benefit, protection of resources and ecology, public access to publically-owned areas, and increased recreational opportunity. Second, the SMA calls for optimum implementation of its objectives on shorelines of statewide significance. Optimum implementation involves special emphasis on statewide objectives and consultation with state agencies, including a focus on identifying, understanding, and managing ecosystem-wide processes and ecological functions that sustain resources of statewide importance.

A consequence of this statutory direction is specific guidance in the Guidelines aimed at emphasizing statewide interest over local interest, preserving resources for future generations, ensuring long-term protection of ecological resources of statewide importance, such as anadromous fish habitat, forage fish spawning and rearing areas, and other unique environments, and providing for water-oriented uses and public recreation.

ADDITIONAL COMMUNITY OUTREACH AND ENGAGEMENT

At the November 18 meeting, the Commission and staff discussed creating opportunities for additional community outreach and engagement recognizing citizen concerns that the regular five minute citizen comment opportunity may not best allow for ideas to be presented to the Commission in a coherent and cohesive way. Staff agreed to work to identify an appropriate community outreach and engagement strategy.

In keeping with the articulated public participation plan for the shoreline update, and in response to the request from representatives of Washington Sensible Shorelines Association (WSSA) for more time before the Commission, staff is committed to find finding a fair and responsive process that satisfies all affected parties and that has the highest likelihood of advancing toward the goal of preparing a shoreline update that is ultimately approvable by Ecology. There are a number of community outreach strategies that might be employed but their success is not assured absent general agreement over how to proceed. As a consequence, staff requests that the Planning Commission adopt a set of principles that will guide staff development of a successful outreach strategy.

Draft principles have been included as Attachment 2 for Commission consideration and adoption. Use of principles to guide staff development of this sort of work product for Commission consideration was employed successfully in the development of a code package for the Medical Institution District and for Pedestrian Bridges. Staff believes this would be a good approach to employ in developing an enhanced community outreach effort for the shoreline update as well.

Staff seeks feedback from the Commission on the utility of these principles at the December 9 meeting. With the Commission's direction, staff will return in January with a recommended strategy guided by the principles as approved by the Commission. Because this effort will be far more successful if informed by community member participation, it is important those community members and other affected interests work with staff to find a mutually-acceptable outreach approach. To date, some community members have been unwilling to meet with staff to discuss these issues and staff would like the Planning Commission to encourage interest groups to collaborate with staff on the preparation of the enhanced community involvement plan.

ATTACHMENTS

1. Shoreline Master Program Update Outline
2. Draft Principles for Enhanced Community Outreach and Engagement

Attachment 1
Shoreline Master Program Update Project- Planning Commission Schedule

DATE	TOPIC
March 12, 2008	<ul style="list-style-type: none"> • Brief introduction to SMP- highlighting major steps
July 23, 2008	<ul style="list-style-type: none"> • Current status, next steps and key future milestones of Shoreline Master Program (SMP) Update
Sept. 10, 2008	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Continued discussion of potential shoreline environment designations • Information regarding proposed "alternative" designations for sites
July 8, 2009	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Strategy for moving forward • Introductory science briefing- Dan Nickels The Watershed Company • Tracking and providing information to the PC
October 14, 2009	<ul style="list-style-type: none"> • City of Bellevue Storm and Surface Water Management - Denny Vidmar Director Utilities Department
October 28, 2009	<ul style="list-style-type: none"> • Affect of Lakeshore Development on Aquatic Ecosystems- Tessa B. Francis PhD NOAA Fisheries
November 4, 2009	<ul style="list-style-type: none"> • The Current Status of Kokanee in the Greater Lake Washington Watershed- David St. John and Hans Berge, King County Department of Natural Resources and Parks

Shoreline Master Program Update Project- Planning Commission Schedule

DATE	TOPIC
November 18, 2009	<ul style="list-style-type: none"> • Behavior and Habitat use of Chinook Salmon - Roger Tabor • Shoreline stabilization and the importance of shoreline vegetation- Jose Carrasquero, Herrera Environmental Consultants Inc.
December 9, 2009	<ul style="list-style-type: none"> • Agency Panel/Presentation from related regional and state organizations engaged in similar SMA goal efforts (Army Corps of Engineers, WDFW, WDNR, WRIA 8, Puget Sound partnership)
Jan/Feb 2010	<ul style="list-style-type: none"> • Enhanced public involvement • Regulatory Outcomes- TBD-Planning Commission Direction
Winter/Spring 2010	<ul style="list-style-type: none"> • Additional Regulatory and Policy Discussion
Spring /Summer 2010	<ul style="list-style-type: none"> • Cumulative Impacts Analysis and Restoration Plan
Summer 2010	<ul style="list-style-type: none"> • Local Approval
Summer/Fall 2010	<ul style="list-style-type: none"> • State Approval

Attachment 2

Draft Principles for Enhanced Community Outreach and Engagement

The Enhanced Community Outreach effort for the Shoreline Master Program Update should ensure the following principles are met.

- 1. Enhanced outreach should include a range of Bellevue citizens, affected interests or stakeholders.**
 - a. This means that the opportunity for participation must be offered widely enough so as not to exclude legitimate interests and balanced accordingly to ensure no interest is over or under-represented.
 - b. Participation should be inclusive of various shoreline areas with differing geography and unique characteristics.
- 2. Enhanced outreach should be perceived as fair by all parties.**
 - a. Allow participants to develop ground rules for the process at the outset.
 - b. Participants should be assured that their comments or other input is accurately recorded and summarized.
 - c. All participants see or hear comments from other participants.
- 3. Enhanced outreach should encourage open engagement where differing perspectives, opinions and values can be shared openly and respectfully**
 - a. Participants with differing opinions should feel safe in voicing ideas that depart from the majority viewpoint.
 - b. Insistence on civility is essential.
 - c. All interests and opinions should be respected and valued.
- 4. Enhanced outreach should provide an opportunity to identify interests, obstacles and solutions.**
 - a. Participants will have the ability to identify their concerns and individual interests.
 - b. All useable ideas for potential solutions should be given consideration.