



DATE: February 25, 2009

TO: Chair Orrico, Members of the Planning Commission

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

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

At the February 25 study session, staff will present a discussion of potential shoreline environment designations as part of the Shoreline Master Program update. Staff requests direction from the Commission on whether the range of designations is appropriate for Bellevue and whether areas identified in the Inventory and Analysis warranted special treatment. This presentation follows previous Commission review of the shoreline inventory and analysis, public input, and focus groups.

Shoreline environments are designated sub-units that function much like zoning overlays in that they reflect existing land use patterns as well as biological and physical characteristics, community aspirations and specific criteria developed by Ecology. As a consequence, shoreline environments should reflect different conditions, valuable shoreline resources and restoration opportunities. Taken together, they form the organizing principle for building a master program and provide a system for assigning different standards based on characteristics of different geographic areas.

This discussion will revisit briefly how environment designations are determined and how they provide a means of adapting broad policies to the different conditions discovered during the inventory and analysis. We will then introduce, in accordance with the state Shoreline Guidelines (WAC 173-26-211), a series of recommended environment designations that include descriptions of their purpose, designation criteria, and sample general management policies. Additional recommendations are also include for the Commission's consideration.

## **BACKGROUND**

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 you reviewed briefly at a study session on January 28<sup>th</sup>. Since

we last spoke, staff has held an additional focus group with industry and construction representatives. 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>(Underway)</i>
<b>Phase 4:</b>	Cumulative impacts, restoration planning, revisiting phase 3	<i>(Summer 2009- Winter 2009)</i>

## **ENVIRONMENT DESIGNATION PROCESS**

As we discussed at the last study session, a principle organizing concept of any master program, and of this Update in particular, is the process of selecting certain environment designations for roughly homogenous sections of shoreline. Such a classification system is required by the state Shoreline Guidelines (WAC 173-26-211). It must be based on existing land use patterns, the biological and physical character of the shoreline, and community vision. Moreover, it must be consistent with scheme developed by Ecology unless a proposed alternative provides equal or better implementation of the act. Whatever categories are chosen, they must be in concert with three major goals of the Shoreline Management Act: (1) protection and restoration of valuable and fragile natural resources (the standard is no-net-loss); (2) fostering of those “reasonable and appropriate uses” that are dependent upon waterfront proximity; and, (3) the enhancement of public access or increased recreational opportunity.

In addition to these broader goals, shoreline environments need to be consistent with corresponding comprehensive plan elements and development regulations. In order to ensure this consistency, the following three conditions need to be met:

1. The comprehensive plan provisions and shoreline environment designation provisions should not preclude one another. In other words, the policies of each must be implementable. For example, the designation of a shoreline area as rural in a GMA regulated city with high density single-family zoning is inconsistent.
2. Land use policies and regulations should protect preferred uses from being affected by incompatible uses. The intent is to prevent water-oriented uses, particularly water-dependent uses, from being restricted on the shoreline because of impacts to nearby non-water-oriented uses.

3. The provision of infrastructure and associated services provided by the comprehensive plan should be sufficient to support allowed uses. Shoreline uses should not be permitted where the comprehensive plan does not direct sufficient roads, utilities and other infrastructure to serve them. For example, allowing for car ferry use in your master plan where there is insufficient road capacity and parking to support this use violates this condition.

As previously disclosed, Bellevue's Master Program, adopted in 1974, contained no specific shoreline environments and thus no specific policies and regulations keyed to those environments. The homogenous nature of the shoreline—devoted almost exclusively to residential use—may have dictated the approach. In any case, a more specific approach is required now but with the understanding that the conditions that informed preparation of the original master program have not changed dramatically; much of Bellevue's shoreline is still very uniform in character, greatly limiting the number of required environments needed to adequately reflect existing land use patterns and ecological character.

## **STEPS IN ASSIGNING DESIGNATIONS**

As Dan Nickel of the Watershed Company outlined last month, the process of assigning designations rely on a number of concrete steps. The first is to inventory the existing shoreline conditions including the existing land use and zoning. The second involves assessing overall ecological conditions. Variables like vegetation, bulkheads and armoring, number of overwater structures and development density all factor into the assessment. Third, the segments with similar conditions are identified. Fourth, these conditions are matched with appropriate designation criteria and refined through internal discussions among staff.

Ecology recommends a classification system consisting of six basic elements: *high intensity, shoreline residential, urban conservancy, rural conservancy, natural, and aquatic*. Of these, rural conservancy is not applicable. Similarly, high intensity and natural may have only limited application in Bellevue. That leaves shoreline residential, urban conservancy and aquatic. In applying these designations, Ecology cautions that care be taken to ensure that existing ecological functions are protected with the proposed pattern and intensity of development represented by these designations. As outlined above, alternative environments are allowed provided they are consistent with the purposes and policies of guidelines (WAC 173-26). As you review the proposed environments, please review attached maps for their location.

## PROPOSED ENVIRONMENT DESIGNATIONS AND POTENTIAL OPTIONS

Based on the Inventory and Analysis, staff recommends that three environments from the Ecology list fit conditions on the Bellevue shoreline. In addition, we suggest that the Commission look at placing alternative designations to reflect special circumstances on Bellevue's shoreline. Those from the Ecology classification include: *aquatic, urban conservancy, and shoreline residential*. The opportunities for alternative classifications include: *Meydenbauer Bay Park, Meydenbauer Bay multi-family, marina and Bellefield Office Park*.

The three environments from the Ecology classification system apply to the vast majority of Bellevue's shoreline and public wetland systems within shoreline jurisdiction.

The *aquatic* environment is typically applied to shoreline areas waterward of the ordinary high-water mark. An alternative approach is to dispense with this environment altogether and protect aquatic areas using the designation applied to the adjacent upland areas in shoreline jurisdiction.

The *urban conservancy* environment designation is recommended for areas within public and private parks and natural resource areas, including lands planned for park uses or resource conservation areas. Obvious examples include Lake Washington park property, Mercer Slough Nature Park and Lake Hills. This designation is also appropriate for large blocks of undeveloped private land where development can occur without severe disruption to existing ecological processes or where restoration opportunities are unusually high. Agricultural lands are also appropriately designated *urban conservancy*. Similarly, this designation is appropriate for low intensity development and is suitable for water-related or water-enjoyment uses and public access. Its focus is to retain important ecological functions, even if partially altered. It includes features that could be harmed easily by more intensive development. Lands designated in this manner are compatible with ecological restoration, especially in an urbanized setting.

An alternative environment, at least for some of Bellevue's park land, is *Natural*. This designation is generally reserved for land that is essentially ecologically intact and performing important, irreplaceable functions or ecosystem processes that would be damaged by human activity. It is arguable that some of Bellevue's ownership, particularly the Mercer Slough Nature Park, would be better protected using this environment designation. However, such a designation might impinge on current and future park uses and existing agricultural uses.

The *shoreline residential* environment is characterized by single-family or multi-family residential development or areas planned for residential development. Generally these are areas where ecological processes and functions are impinged upon by the level of development and thus could not meet the criteria for *urban conservancy*.

While Bellevue's shoreline is sufficiently homogeneous to lend itself to Ecology's general classification system, the Inventory and Analysis did reveal a few areas where more tailored approaches might prove more successful. These include the proposed Meydenbauer Bay Park, Meydenbauer Bay mixed use, the marina and yacht club areas on Lake Washington (excluding the City's marina area), and Bellefield Office Park.

Meydenbauer Bay is a major focus for increasing Bellevue's access to the waterfront. Years of patient acquisition have resulted in sufficient property on the water to entertain the goal of building a regionally significant park and waterfront destination connected to Bellevue's Downtown. Significantly, the Inventory and Analysis identified the area containing the proposed park as demonstrating a range of ecological function from moderate/low on the northwest end to low at the marina end. (See attached ecological function maps for details.) This suggests that two environments might be appropriate; one to reflect more positive functional situation and to encourage restoration (*urban conservancy*); with a second tailored to the lower function associated with the marina and hardened shoreline (marina or other higher intensity designation). An alternative approach might be to adopt a single designation containing unique management recommendations.

Higher ecological function is also the reason why a alternative designation might be appropriate at the southern end of Meydenbauer Bay, despite the existing multi-family residential development. In this location the buildings are setback from the shoreline, there are no docks and there is significant wetland vegetation abutting the water. Here protecting ecological function might take a slightly higher priority over residential use, thereby justifying a separate designation. Alternatively, wetland regulations might be sufficient to ensure continued higher levels of function.

In addition to the City's marina in Meydenbauer Bay, there are three other marinas or yacht clubs on the Lake Washington. Their ability to operate with the full range of typical marina uses or to expand is significantly compromised by their status as "de-facto" conditional uses in residential zones. A specific marina environment with a specialized set of permitted uses and performance standards might rationalize these areas and encourage additional investment and higher standards of environmental performance. Alternatively, these marinas could be incorporated into the *shoreline residential* designation despite their more intensive use profile.

Bellefield Office Park is an existing office development situated on the northeast edge of Mercer Slough. The development occupies roughly 72 acres abutting Mercer Slough. Permitted as planned unit development, it was constructed on wetlands and wetland vegetation abounds in every area where there are not structures or pavement. Due to its integration into the fabric of Mercer Slough, the Inventory and Analysis revealed moderate-to-high function making it suitable for *urban conservancy* in the Ecology classification. However, this shoreline designation could create a conflict with current office uses on the site.

## NEXT STEPS

Staff's intention for the February 25 meeting is to get feedback from the Commission on whether we should pursue alternative environment designations beyond those that fit comfortably within Ecology's Environment classifications and what character they should take. With your direction we will return on March 25 to complete the discussion of shoreline environments and their associated policies.

To facilitate discussion, we will summarize each environment using the following required format. Specific requirements for what must be included in an environment designation are outlined in the state Shoreline Guidelines at WAC 173-26-211. The following four elements are required: purpose statement, classification criteria, management policies and regulations.

**Purpose statement:** The statement of purpose describes the management objectives of the designation in a manner that distinguishes it from other designations.

**Classification criteria:** Such criteria provide the basis for classifying or reclassifying a specific shoreline area with an environment designation.

**Management policies:** Policies must be sufficiently detailed to assist in interpreting the environment's regulations and to evaluate consistency with the local comprehensive plan.

**Regulations:** Environment specific regulations must address the following items where necessary to account for different shoreline conditions:

- Types of shoreline uses permitted, conditionally permitted, and prohibited. (Generally provided in a use table or matrix.)
- Building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards; and,
- Other topics not covered in general use regulations that are necessary to assure implementation of the purpose of the environment designation.

## ATTACHMENTS

1. Draft Environment Designation and Opportunity Maps
2. Ecological Function Maps of Bellevue Shoreline

# Draft Environment Designations

- Urban Conservancy
- Shoreline Residential
- Marina
- To be determined

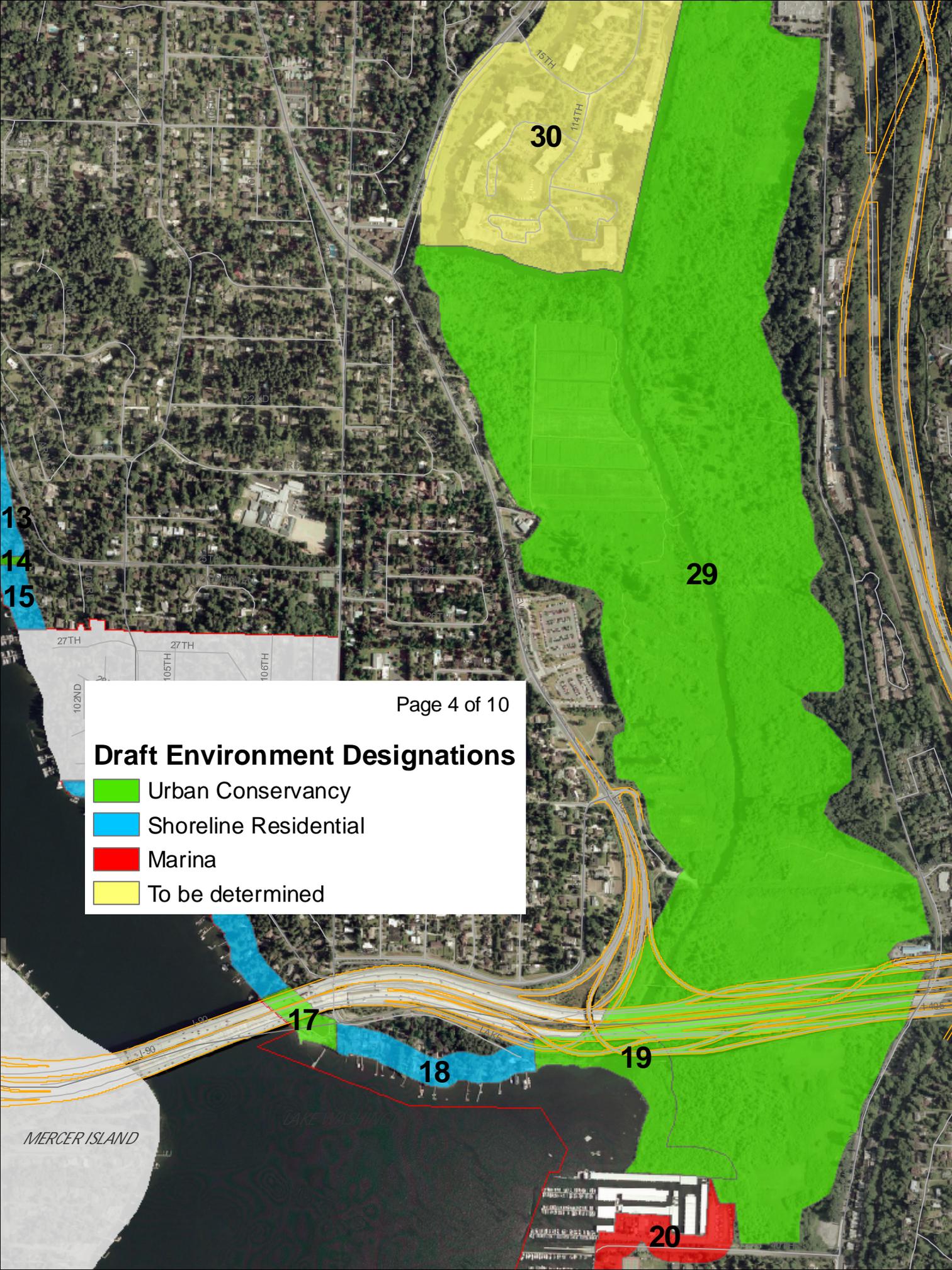




## Draft Environment Designations

-  Urban Conservancy
-  Shoreline Residential
-  Marina
-  To be determined





### Draft Environment Designations

- Urban Conservancy
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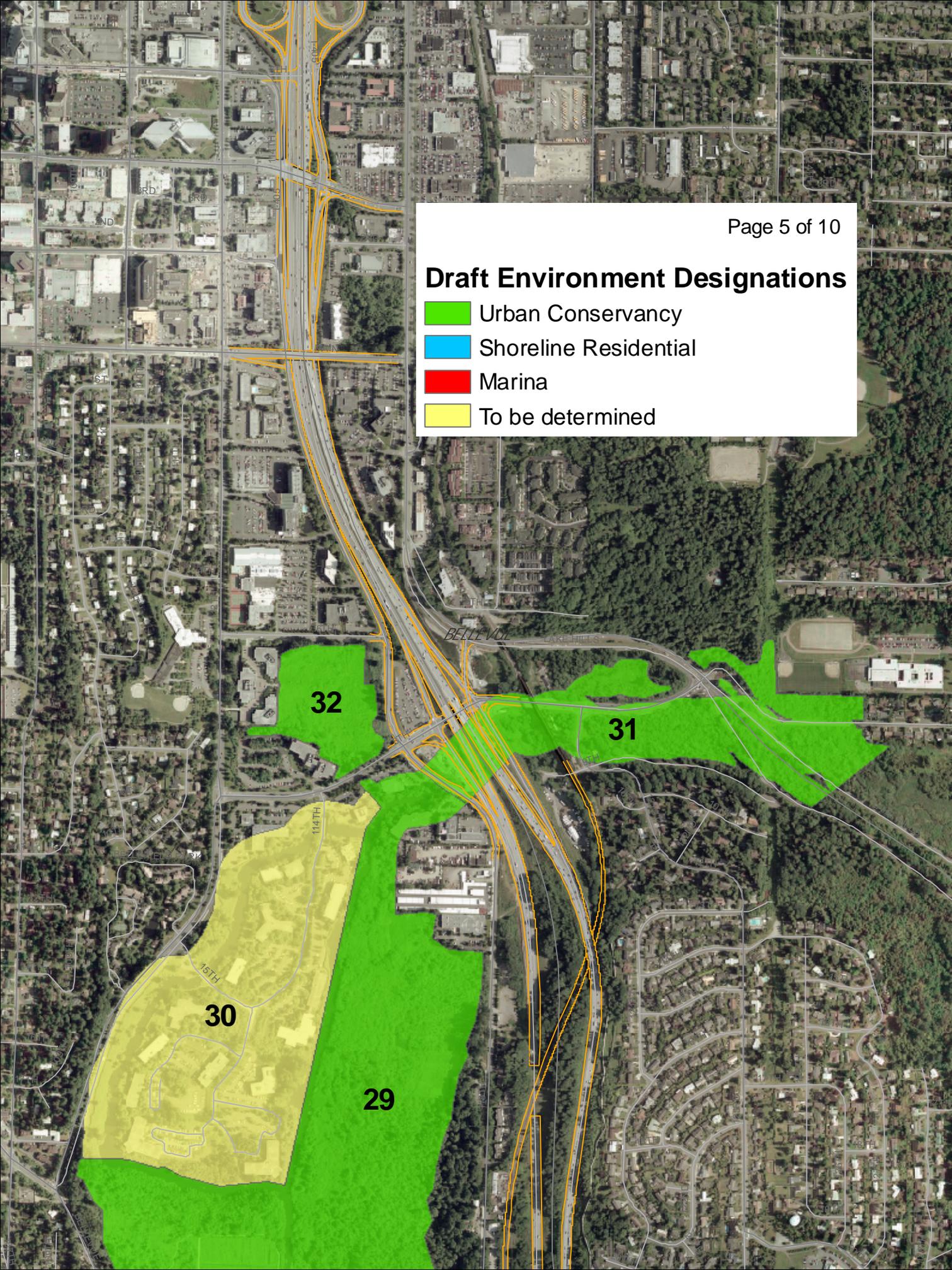
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MERCER ISLAND

## Draft Environment Designations

-  Urban Conservancy
-  Shoreline Residential
-  Marina
-  To be determined



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REDMOND

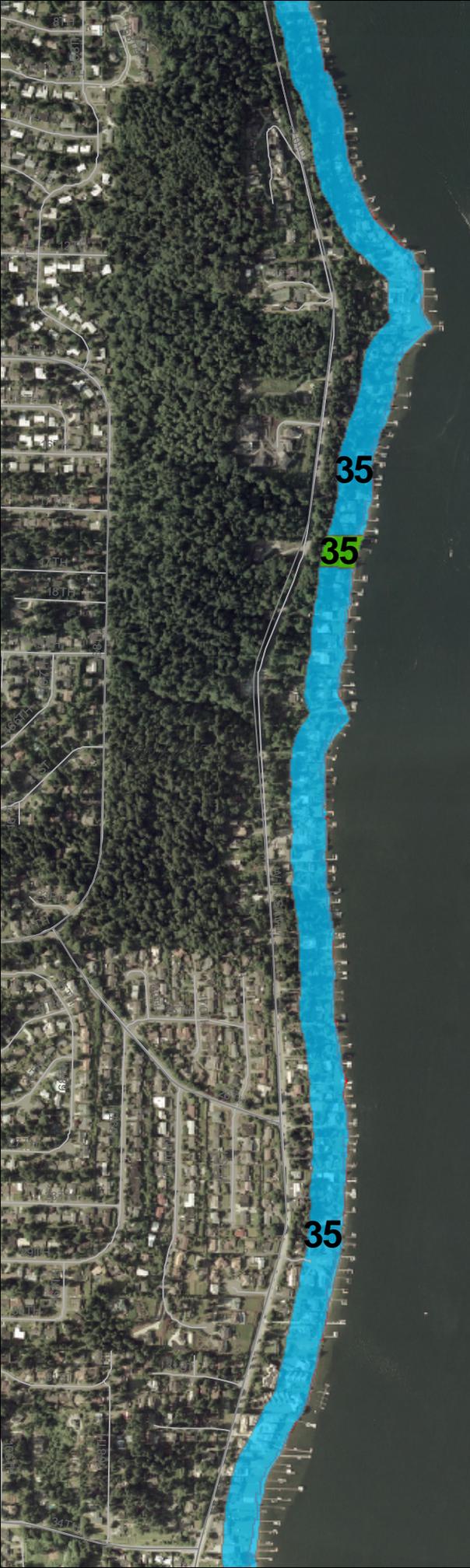
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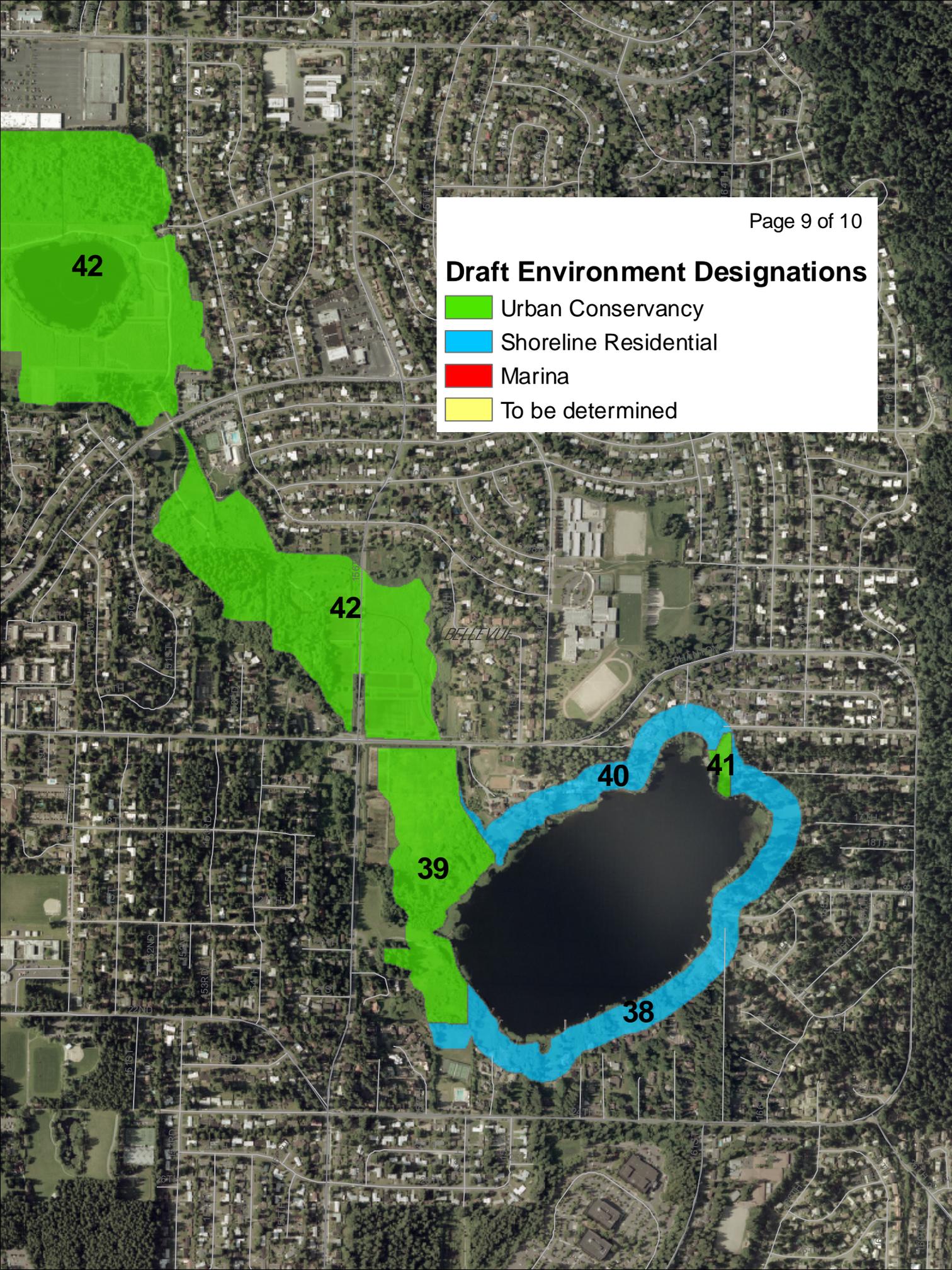
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-  To be determined



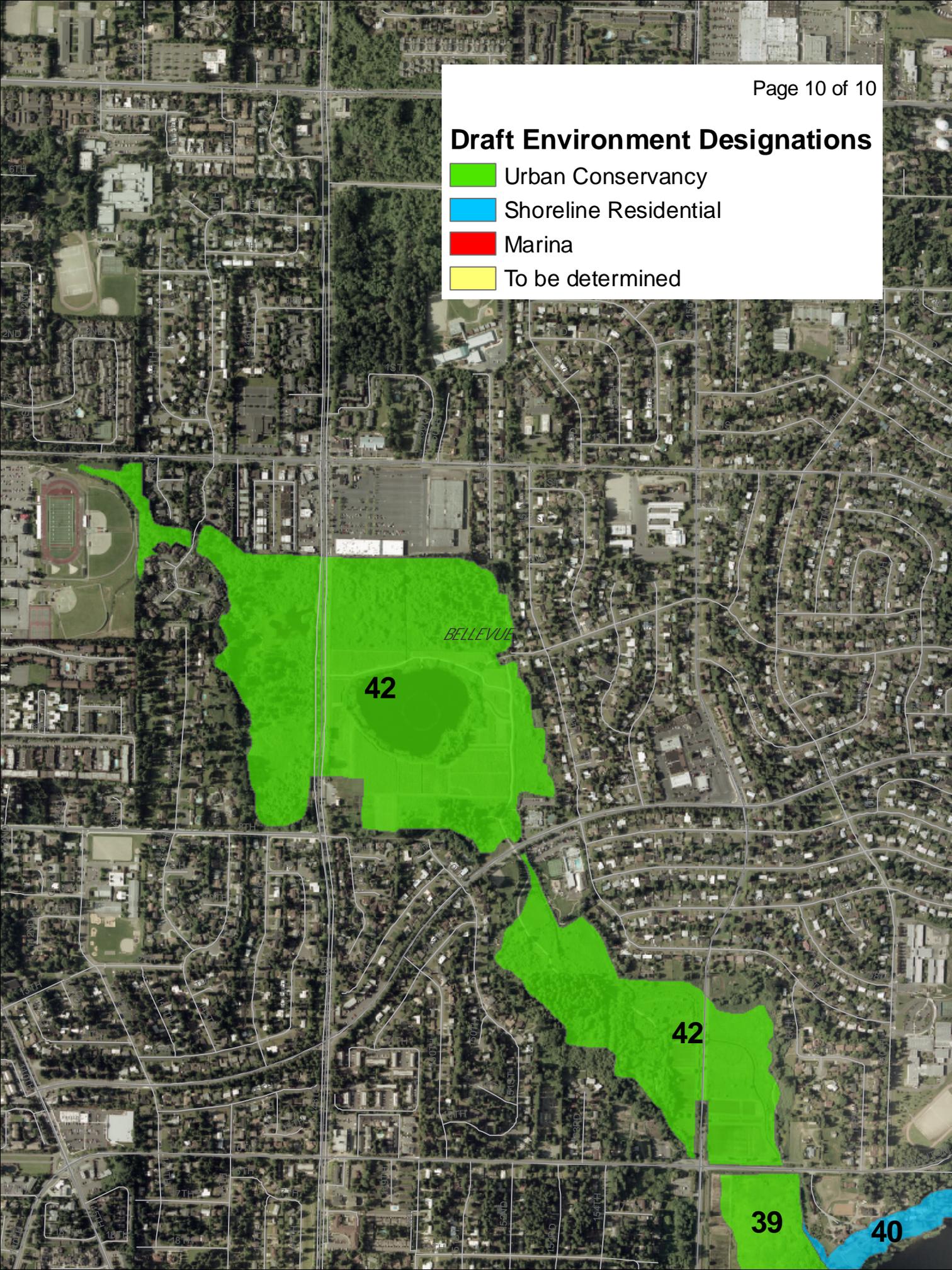
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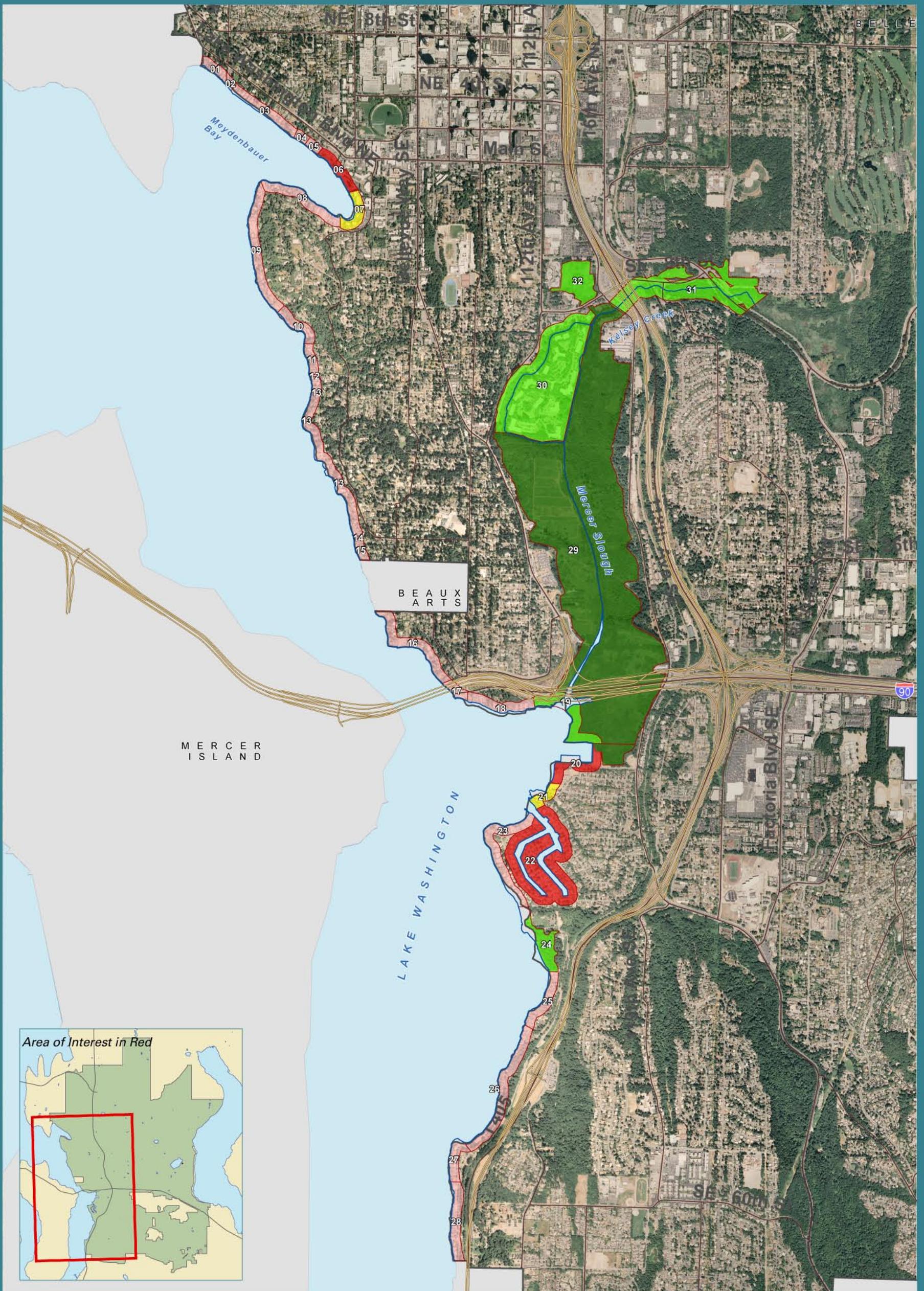
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# Draft Environment Designations

-  Urban Conservancy
-  Shoreline Residential
-  Marina
-  To be determined





## Relative Level of Ecological Function Lake Washington, Mercer Slough, and Kelsey Creek

City of Bellevue Shoreline Master Program

Figure 16b



January 2009  
Data: The Watershed Company, City of Bellevue



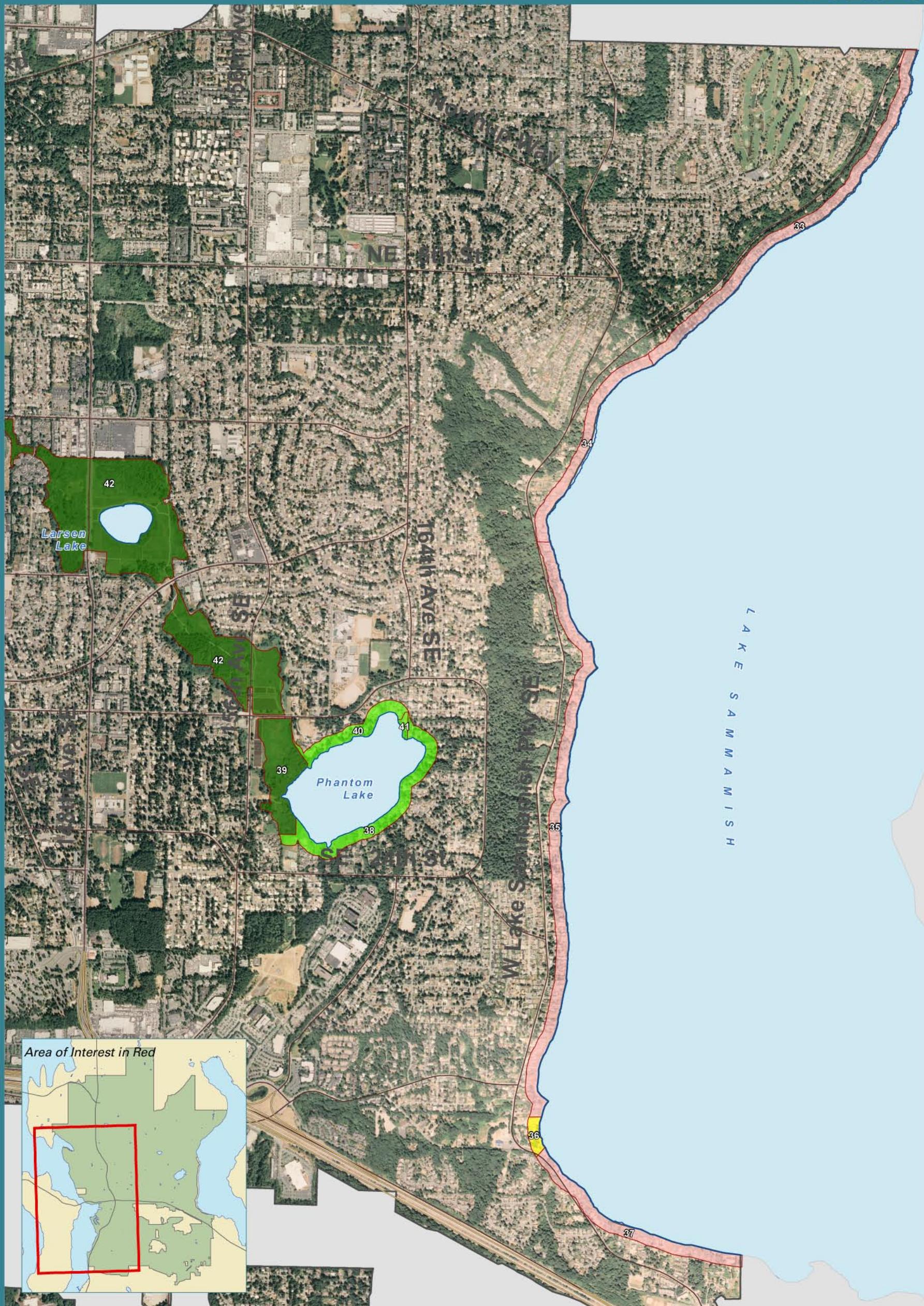
### Relative Level of Ecological Function

- HIGH
- MODERATE/HIGH
- MODERATE
- LOW/MODERATE
- LOW

- Shoreline Jurisdiction
- Ordinary High Water Mark
- Lakes

- City Boundary
- Highways
- Major Streets

Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.

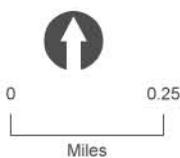


# Relative Level of Ecological Function

## Lake Sammamish/Phantom Lake

City of Bellevue Shoreline Master Program

Figure 16c



August 2008  
Data: The Watershed Company, City of Bellevue



### Relative Level of Ecological Function

- |   |  |  |
|---|--|--|
| <span style="display:inline-block; width:15px; height:15px; background-color:darkgreen; border:1px solid black;"></span> HIGH           | <span style="display:inline-block; width:15px; height:15px; border:1px solid red;"></span> Shoreline Jurisdiction                          | <span style="display:inline-block; width:15px; height:15px; border:1px solid black;"></span> City Boundary                     |
| <span style="display:inline-block; width:15px; height:15px; background-color:lightgreen; border:1px solid black;"></span> MODERATE/HIGH | <span style="display:inline-block; width:15px; border-bottom:1px solid blue; border-bottom-style:dashed;"></span> Ordinary High Water Mark | <span style="display:inline-block; width:15px; border-bottom:1px solid yellow;"></span> Highways                               |
| <span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> MODERATE          | <span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border-radius:50%;"></span> Lakes                  | <span style="display:inline-block; width:15px; border-bottom:1px solid black; border-bottom-style:wavy;"></span> Major Streets |
| <span style="display:inline-block; width:15px; height:15px; background-color:pink; border:1px solid black;"></span> LOW/MODERATE        |  |  |
| <span style="display:inline-block; width:15px; height:15px; background-color:red; border:1px solid black;"></span> LOW                  |  |  |

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