



DATE: July 5, 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

On July 13, the Planning Commission is scheduled to begin its deliberations on the Shoreline Master Program (SMP) Update in preparation for making a recommendation to the City Council. A decision was reached among Planning Commission members during the June 22 Study Session, that deliberations would begin with regulatory sections of the Draft SMP that address Dimensional Requirements (LUC 20.25E.050) and General Requirements Applicable to all Shoreline Development and Uses (LUC 20.25E.060). Responses to public comments prepared by staff on topics related to the identified code sections have been provided with these packet materials. The comment responses have been provided under separate cover in a three-hole punched form, so Planning Commission members can each keep a consolidated set of the comment responses as they move through the deliberations on the Draft SMP documents related to the May 25th public hearing.

Shoreline Master Program Update Project Objectives

Preparatory to the deliberations, Chair Turner has requested that the Planning Commission review and discuss the project objectives that have been used to guide the SMP Update to-date. The project objectives have been excerpted from the Draft SMP Staff Report issued on May 5, 2011, and are presented below for Planning Commission ease of reference during this discussion.

Council Principles for SMP Update

In developing the draft SMP, care was taken to ensure an approach that conformed to the following principles, previously put forward by the Council when the SMP Update was initiated and funded and subsequently acknowledged by the Planning Commission to guide the update effort. As previously outlined to the Commission, the scope of the SMP Update was designed and initiated by Council based on the following five key policy assumptions:

1. The project scope was designed to achieve the most value for the budgeted project dollars by focusing the Update on three key components: shoreline restoration planning, public access, and potential use changes.

2. The Update work program was designed and funded to build on the existing 2006 regulatory framework adopted to protect ecological functions on the shoreline, and to comply with the Ecology mandate.
3. 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.
4. The Planning Commission, in lieu of a Citizen Advisory Committee, was identified as the representative group of citizens best suited to consider and make policy recommendations on code changes for SMP Update that was scheduled to extend over a protracted three year project timeline.
5. Ecology has the final say and must ultimately decide if the balance of interests provided in the Update adequately meets the intention of the Shoreline Management Act, and Ecology would be consulted throughout the process to avoid the creation of regulations that would not likely be approvable.

Principles for Review of Draft SMP

The Council principles for updating the SMP were later amplified by an additional set of goals that had been used in the past by the Planning Commission to review environmental regulations in Bellevue. The goals were used to inform the Planning Commission process and to ensure that the approach to protecting shoreline functions and values is accomplished through regulations and incentives that exemplify the following characteristics.

- **Bellevue appropriate:** regulations should recognize that Bellevue is heavily urbanized and should be designed to preserve shoreline ecological functions that exist today, rather than require a return to predevelopment conditions
- **Neighborhood character:** the City's history of environmental protection has resulted in neighborhoods that include natural areas juxtaposed with the built environment. Efforts to protect shoreline ecological functions should focus on preserving or creating places and neighborhoods that people can use and enjoy;
- **Balance:** the impact of regulatory changes should not overburden Bellevue property owners and should be balanced against other SMA goals, including recreational use and water-dependent use;
- **Predictable and Flexible:** consistent with other City efforts to improve the permitting experience for citizens, the draft SMP is designed to be user-friendly, predictable and flexible.
- **Inclusive:** the process by which the SMP is drafted should seek and include input from a variety of stakeholders. This commitment began with a boat tour and community-wide survey, followed by focus groups, and two years of discussion about policy options with the Planning Commission acting in lieu of a Citizen Advisory Committee. This work was supplemented by multiple mailings to affected property owners, an exclusive shoreline website, and two open houses designed to educate citizens about the issues and the process.

Principles for Review of Draft SMP

When the Planning Commission concluded that the draft SMP was sufficient for public release, the Commission articulated the community objectives that it had tried to address in direction provided to guide staff preparation of the draft. Based on Planning Commission feedback, the draft polices and regulations were intended to:

- To acknowledge the substantially urbanized condition that was identified during the inventory of Bellevue shorelines;
- To ensure no net loss of existing shoreline functions rather than requiring a return to pre-development conditions;
- To enhance neighborhood livability by focusing on preservation of natural features and the creation of places and neighborhoods that people enjoy;
- To facilitate stewardship efforts that start with the shoreline property owners, and to recognize that effective stewardship of shoreline resources requires partnership with all Bellevue residents and the City of Bellevue departments responsible for managing public lands and programs;
- To foster reinvestment that maintains existing shoreline ecological functions through adoption of a user friendly and predictable regulatory framework that is flexible, and requires a minimum of technical expertise;
- To recognize that resource management practices undertaken by city departments provide an environmental foundation for allowing increased regulatory flexibility for private shoreline property owners;
- To affirm that SMP goals are not achievable through regulations alone, and that regulatory changes should be pursued only to the extent that such changes are consistent with constitutional and other legal limitations on the regulation of private property rights;
- To provide an SMP that is tailored to unique characteristics of land designated as shoreline jurisdiction in Bellevue; and
- To provide guidance and opportunities for public and private entities to voluntarily fund and implement restoration projects to improve degraded conditions.

Next Steps for Development of a Planning Commission Recommendation

Several public comments have been received that indicate that the public would appreciate a schedule of topics to be discussed, so that they can prepare their remarks and plan to attend when topics of interest to them are on the Planning Commission agenda. It is staff's hope that the Commission will provide direction regarding how they would like to proceed with deliberations and topic scheduling moving forward toward development of a recommendation to Council. Staff looks forward to seeing you next week, if you have questions prior to the July 13 Study Session, please feel free to contact me.