City of Bellevue

MEMORANDUM

__X__ **Action**
_____ **Discussion**
_____ **Information**

DATE: April 28, 2011

TO: Environmental Services Commission

FROM: Kit Paulsen, Watershed Planning Team Supervisor

SUBJECT: Shoreline Master Program ("Shoreline") Update

Action Required at this Time

Commission will decide whether to provide comments to the Planning Commission on the proposed Shoreline policies and/or regulations at this time.

Background

The Shoreline update will develop a new Shorelines Element within the City Comprehensive Plan and will include Land Use Code amendments for shoreline regulations. A Shoreline Restoration Plan identifying potential projects to achieve "no net loss" is also a required element of the update. The Shoreline Master Program is composed of four major components: Shoreline Inventory and Classifications, Land Use Policies, Regulations, and a Shoreline Restoration Plan.

The ESC received briefings on the Shoreline Master Plan update at the last three meetings on early drafts of the policies and regulations. Staff comments were focused on:

- Maintaining consistency between City policies and compliance with state and federal mandates (e.g. Comprehensive Drainage Plan, Clean Water Act, Federal Emergency Management Act);
- Assuring technical feasibility and equitable costs for operating, repairing, and replacing Utilities infrastructure;
- Promoting efficiencies in processes and permitting;
- Correcting technical or jurisdictional errors;
- Asking questions or providing examples to gain clarity on intent or implementation; and
- Encouraging clarity and specificity in policy language.

The Shoreline policies and regulations are currently under public review and will not be revised until after the Public Hearing on May 25.

Utilities staff have worked with Development Services staff on the following primary policy and regulations issues:

- Utilities services are identified as an allowable use within the shoreline, rather than "non-conforming." This acknowledges that utilities services to shoreline properties have a functional requirement to be located in the shoreline jurisdiction.
- Utilities operations related to water, wastewater, and stormwater have similar requirements in each shoreline classification. For example, a single pipe running along

the shoreline would not have different permit requirements in the residential than in the recreational boating areas.

- Repair and replacement of utilities are allowed up to 20% before triggering "new or expanded" facility permit requirements. This is consistent with other Land Use threshold requirements and allows limited work to be conducted before additional permit reports and conditions are required.
- Utilities programs and capital projects are identified with guidance on priority areas, such as outreach and water quality, but maintains Utilities Department ability to prioritize across multiple objectives rather than just Shorelines.
- Essential public facilities can be operated, maintained and replaced under the new policies and regulations, though there will be new requirements similar to all other property owners. Bellevue programs and projects will be required to meet at least the same standards and regulations as all other permit applicants.
- Public access requirements are applied to all Utilities upland facilities on public lands, similar to all other shoreline property owners, but facilities buried or on private lands would not be affected.
- Native vegetation will be required for new or expanded facilities, but not for facilities under current easements that have alternative legal constraints.
- Promote improvements to water quality from upland and shoreline areas within the framework of the Clean Water Act. Stormwater management is within the purview of the ESC and Council.

Chair Helland worked with staff to provide specific comments to the Planning Commission regarding the Shoreline water quality policy (See attachment 1).

Utilities staff have no specific recommendations for policies or regulations at this time.

Current Options for Comments on the Shoreline Master Plan

Options for comments on the Shoreline Master Plan include:

1) Do not provide comments
2) Provide comments after the next draft is released
3) Provide general comments about supporting Utilities issues identified above
4) Provide specific comments on policy or regulation identified by Environmental Services Commissioners

Staff Recommendation:

3) Provide general comments about supporting Utilities issues identified above

Next Steps

June: If ESC desires to provide comments, draft letter for review
Sept: Staff provides review of issues raised in revised Shoreline policies and regulations

Attachments

Attachment 1: ESC April 15, 2011 memo to the Planning Commission

City of Bellevue

Post Office Box 90012 • Bellevue, Washington • 98009 9012

Date: April 15, 2011

To: Bellevue Planning Commission

From: Brad Helland, Chair, Environmental Services Commission

Subject: Review of Shoreline Policy SH-56: Water Quality

The Environmental Services Commission (ESC) appreciates the Planning Commission's request to review Shoreline Policy SH-56 regarding water quality.

The ESC supports the comments provided by Utilities staff to the Planning Commission on March 23, 2011, and appreciates that the proposed language (below) was incorporated into the public comment draft.

> Continue to develop and update citywide surface water quality programs and regulations as needed to meet or exceed federal and state requirements to reduce the discharge of pollutants in order to prevent further degradation of water quality and impacts to shoreline functions and ecological processes.

This language is more consistent with the Clean Water Act and supports the goal of the Planning Commission, citizens, and Utilities Department of maintaining and improving water quality in our streams and lakes.

The ESC is currently in the process of reviewing all of the Shoreline Master Plan policies and regulations. Once this review is complete, we may provide you with additional comments or recommendations. We look forward to further review and discussion of this challenging and important work.