City of Bellevue

Post Office Box 90012 ▪ Bellevue, Washington ▪ 98009 9012

DATE: May 5, 2011

TO: Chair Ferris and Members of the Bellevue Planning Commission

FROM: Carol V. Helland, Land Use Director
Shoreline Master Program Update Team
Development Services Department

SUBJECT: Shoreline Master Program Comprehensive Plan Amendments (07-122342 AC) and Land Use Code Amendments (11-103227 AD)
May 25, 2011 Public Hearing

I. PROPOSAL SUMMARY

The proposal would amend the Bellevue Comprehensive Plan and the Land Use Code (LUC) to include an updated Shoreline Master Program ("SMP"). The update was mandated by the State Legislature to be completed by all cities and counties that have shorelines of the state within their jurisdictional limits. The City's SMP was originally developed in 1974 and has not had a substantial update since. As a result, it lacks a number of required components and is not aligned with current scientific information relevant to protecting shoreline functions and values. These gaps, combined with a lack of detailed performance standards aimed at guaranteeing use priority and public access, dictated that the City update its SMP in a manner consistent with the procedural and substantive requirements of the Shoreline Management Act (SMA) and its implementing rules, including WAC 173-26, Shoreline Master Program Guidelines (Guidelines).

The updated master program will reside as a stand-alone SMP codified within Chapter 20.25E and apply to all areas of the City within shoreline jurisdiction. The comprehensive SMP amendment is intended to supplant the City's existing SMP policies in their entirety. A subsequent proposal will also include clean-up amendments to other land use code sections, including the Critical Areas Overlay District Part 20.25H LUC, as necessary to remove conflicts and ensure cross-reference accuracy with the package ultimately recommended by the Planning Commission. The proposed amendments are needed to comply with the statutory deadline for comprehensive update of the local Shoreline Master Program pursuant to RCW 90.58.100.

Under state law, the Bellevue Shoreline Master Program (SMP) is required to include the following components:

1. Shoreline Element of the Comprehensive Plan (policies)
2. Shoreline Overlay of the Land Use Code (regulations)
3. Critical Areas Overlay of the Land Use Code (regulations)
4. Shoreline Environment Designations (maps)
5. Shoreline Jurisdiction (maps)
6. Shoreline Inventory and Analysis (study)

7. Shoreline Restoration Element (guidance document)
8. Shoreline Cumulative Impact Analysis

A subsequent proposal will include amendments to other land use code sections, including the Critical Areas Overlay District Part 20.25H LUC, for the purposes of conflict removal, correction, and clarification.

More information about the SMP update and copies of past documents are available for public review at the SMP update website at http://www.bellevuewa.gov/shoreline-master-plan.htm. Submit written comments to Carol Helland, Land Use Director at Development Services Department, P.O. Box 90012, Bellevue, WA, 98009-90012 or at chelland@bellevuewa.gov .

II. STAFF RECOMMENDATION

The Planning Commission is being asked to hold a public hearing, to deliberate on public comment received, and to formulate a recommendation to City Council for final adoption of the draft Shoreline Master Program including the Shoreline element of the Comprehensive Plan (policies); the Shoreline Overlay of the Land Use Code (regulations); the Shoreline Environment Designations (maps); Shoreline Jurisdiction (maps); Shoreline Inventory and Analysis (study), and Shoreline Restoration Element (plan).

III. REVIEW PROCESS

Planning Commission Approach to Draft SMP

The draft SMP reflects the Planning Commission's stated preference that new regulations be balanced, predictable, and flexible while attentive to Bellevue's heavily urbanized condition and neighborhood character. (See discussion of Planning Commission goals in Section V of this report.) Property owners are stewards of the City's shorelines and by and large want to manage them appropriately because they recognize the value shorelines impart to their property and to the community generally. The draft SMP provides additional tools to property owners to protect or enhance shorelines while at the same time enjoying their benefits; compared with current code, the changes incorporated in the draft SMP enhance flexibility and choice while ensuring that shorelines are adequately protected. Examples include: a prescriptive option menu for setback reduction—allowable only with a science-based critical areas report under current code—additional recognition that a recreational use component is appropriate in what was previously designated as no-touch shoreline buffer; a new approach for managing shoreline vegetation; user-configurable moorage; enhanced repair options for stabilization; and a wide range of "allowances" for which mitigation is not required. In addition, a "shorelines special report" process is included in the draft SMP to recognize that the prescriptive regulations should not be the only choice in an area with significant existing development and highly modified shorelines.

The process leading up to the draft SMP has been a deliberate one in order to ensure that the City's response to the State Guidelines requirement to meet "no net loss" fits within Bellevue's long-standing principles of environmental protection and sustainability. Environmental stewardship is a core value that has informed many past City actions, including the acquisition of shoreline wetlands like Mercer Slough or farmsteads like

Newcastle Beach Park. These past activities have ensured that the community at large both participates in the cost of preserving these areas and enjoys the benefits of preservation, including aesthetic and recreational benefits. In addition, the City's approach to shoreline protection has helped define the neighborhood character that residents describe today as being fundamental to the creation of places where people can gather and interact. This recognition that urban development can occur without significantly degrading the natural environment has led to a vision of a growing urban place represented by the term "City in a Park" that underlies many of Bellevue's development and planning decisions.
With the release of the draft SMP, the Planning Commission is seeking public comments on the draft policies and regulations contained within it. The draft SMP is the culmination of nearly three years of work by consultants and staff, more than two years of review and discussion by the Planning Commission, the work of three of the City's boards and commissions, and hundreds of comments from stakeholders, including shoreline property owners, non-profits, scientists, and agency personnel.

While the draft SMP was prepared based on direction from the Planning Commission and found sufficient to release for public hearing, this draft SMP has not been fully endorsed by the Planning Commission for recommendation to the City Council. Following the public hearing, the Planning Commission is anticipated to continue its discussion and refinement of the draft policies and code language. Continued input from the public, business and property owners, neighborhood groups and other stakeholders will help the Planning Commission review the draft SMP. When the Planning Commission is satisfied that the draft SMP meets its stated goals, it will transmit their recommendation to the City Council for review and approval.

A public hearing before the Planning Commission on the draft SMP is scheduled for May 25, 2011, at 6:30 p.m. in Council Chambers at Bellevue City Hall. An open house was held on April 20 where more than 100 interested citizens attended.

IV. PUBLIC INVOLVEMENT PROCESS

Outreach and Review

Table 1 details the scope of the public involvement and outreach effort undertaken by staff and the Planning Commission. The process began with an October 28, 2008 boat tour of Bellevue's Lake Washington shoreline hosted by the Planning Commission. Over the next two-and-half years, staff put on three open houses, conducted a statistically valid telephone survey, held two focus groups, met 40 times with more than 20 interest groups and individuals, held 30 study sessions with the Planning Commission, of which 6 were dedicated to science briefings, and met a total of 8 times with other City Commissions and the East Bellevue Community Council. In addition to this effort, staff has made a concerted effort to keep the community informed via articles in *It's Your City* and *Neighborhood News*, mailed and emailed notices to hundreds of property owners and interested parties, kept the project website updated, launched a shoreline blog, posted to the City's Facebook page, and put up project notice signs. To this was added three specialize informational trips, and interviews at a selection of local marinas.

Table 1: Public Involvement and Outreach

Association/Organization Name	Meeting Date
Bellefield Office Park – Brian Woidneck	May 13, 2009
Meydenbauer Yacht Club	June 12, 2009
Meydenbauer Yacht Club	June 17, 2009
Futurewise	June 25, 2009
Seattle Boat Newport	June 30, 2009
Bayshore East Condominium Owners Association	July 1, 2009
Newport Shores Community Club and Marina	July 2, 2009
Futurewise	August 27, 2009
Newport Yacht Basin	December 16, 2009
Newport Shores Community Club and Marina	February 5, 2010
Seattle Boat Newport	February 26, 2010
Councilmember Wallace	March 4, 2010
Newport Shores Community Club and Marina	March 9, 2010
Dave Douglas – Integrity Shoreline Permitting	March 12, 2010
Vasa Park Resort	March 11, 2010
Brian Parks – Phantom Lake property owner	April 9, 2010
Meydenbauer Yacht Club	June 23, 2010
Newport Yacht Basin Association	June 23, 2010
Greg Ashley – Ashley Design and Permitting	July 2, 2010
Ted Burns – Seaborne Pile Driving	July 2, 2010
Dave Douglas – Integrity Shoreline Permitting	July 9, 2010
Becky Henderson- Marine Restoration and Construction	July 16, 2010
Meydenbauer Bay Neighborhood Association	August 3, 2010
Bill Stazer – Sambica	August 5, 2010
Newport Shores Community Club and Marina	August 10, 2010
Meydenbauer Bay Neighborhood Association	August 11, 2010
Dallas Evans- Lake Sammamish property owner	August 12, 2010
Alfie Rahr- Phantom Lake property owner	August 13, 2010
Mike McCorkle- Sambica Rep.	August 13, 2010
Jim Kramer – Strandvick Board Rep.	August 18, 2010
Dallas Evans - Lake Sammamish property owner	August 19, 2010
WSSA	August 20, 2010
WSSA	August 26, 2010
WSSA	August 24, 2010
MBNA	September 10, 2010
Meydenbauer Yacht Club	September 15, 2010
WSSA	September 15, 2010
Newport Yacht Basin Association	September 22, 2010
Brian Parks and Utility staff	October 26, 2010
Councilmember Wallace and WSSA	October 27. 2010
Dave Douglas – Integrity Shoreline Permitting	November 19, 2010
Meydenbauer Yacht Club	March 17, 2011
Newport Shores Community Club and Marina	March 29, 2011
Greg Ashley – Ashley Design and Permitting	April 6, 2011
Planning Commission Meetings	
Study Sessions	March 12, 2008
	July 23, 2008
	Sept. 10, 2008
	January 28, 2009
	Feb. 25, 2009
	May 27, 2009
	July 8, 2009
	July 22, 2009
Science briefings w/ the Commission	Sept. 23, 2009
	Oct. 14, 2009

	Oct. 28, 2009
	Nov. 4, 2009
	Nov. 18, 2009
	Dec. 9, 2009
Study Sessions	Feb. 24, 2010
	March 24, 2010
	May 12, 2010
	June 9, 2010
	July 14, 2010
	July 28, 2010
Planning Commission Meetings cont'd	
	Sept. 8, 2010
	Sept. 22, 2010
	Oct. 20, 2010
	Nov. 3, 2010
	Nov. 17, 2010
	Dec. 8, 2010
	Jan. 12, 2011
	Jan. 26, 2011
	March 9, 2011
	March 23, 2011
Other Boards and Commissions	
East Bellevue Community Council	June 2, 2009 and May 3, 2011
Environmental Services Commission	Oct. 1, 2009, Feb. 3, 2011 and April 7, 2011
Parks and Community Services Board	April 14, 2009 and April 12, 2011
Open Houses	
Overview of update process guidelines and schedule	February 25, 2009
Introduction to process, and shoreline inventory	May 21, 2009
Draft SMP	April 20, 2011
Other Outreach	
Boat Tour	September 20, 2008
Phone Survey	June-July, 2008
Residential Property Owner Focus Group	Nov. 18, 2008
Construction and Marina Industry Focus Group	February 2009
Mailers/Outreach etc.	
Boat Tour Invitation	September 2008
It's Your City	Feb. 2008, Oct. 2008, Oct. 2010, Feb. 2011
Neighborhood News	Mtg notices 2008-present Articles May 2009 and April 2011
Neighborhood Associations	Email to all spring 2008 Met with MBNA Spring 2008
Shoreline Blog	May 2009- October 2009
Project Website	January 2008-present
May 2009 Open House direct mailing	May 2009
April 2011 Open House direct mailing	April 2011
News Releases	May 2009, April 2011
Facebook posting	April 2011
City Website	May 2009, April 2011
Project Notice Signs	Posted May 2010
Research/Background Information	
Interview and Tour Marinas	February 27, 20009 and March 2, 2009
Boat Street Marina – Document Design	August 10, 2010

Review of Draft SMP

In response to direction from the Planning Commission and feedback from the public, staff released the public hearing draft of the SMP on April 8, 2011. The Planning Commission will hold a public hearing May 25, 2011. Additional public hearings may be required before the Planning Commission makes its recommendation to the Council if provisions included in the final could not have been reasonably foreseen from the draft SMP. Once Council completes its process and adopts the draft SMP, the Washington State Department of Ecology will review the draft SMP for conformance with state law requirements, and generally will hold a public hearing on the SMP. If necessary, an iterative process may ensue between Ecology and the City to finalize the draft SMP for Ecology's approval.

V. BACKGROUND

Purpose of the Shoreline Management Act

The state adopted the Shoreline Management Act ("SMA" or the "Act") in response to concerns arising from the "uncoordinated and piecemeal development" of the state's shorelines occurring without sufficient concern for the resource or the public interest. A primary focus of the SMA is to protect and restore the valuable and fragile natural resources the state's shorelines represent, while fostering those "reasonable and appropriate uses" that are dependent upon waterfront proximity, enhance public access, or increase recreational opportunities for public enjoyment of the shoreline.

Jurisdiction

The SMA applies to shorelines of the state, which include Shorelines of Statewide Significance (Lakes Sammamish and Washington) and other types of shorelines and shorelands as defined in the Act. The jurisdictional area generally includes lakes 20 acres in size or greater and streams with a mean annual water flow exceeding 20 cubic feet per second and the lands underlying waters of the state and the areas extending landward from waters of the state for 200 feet including floodways, floodplain areas, wetlands associated with such streams and lakes.

The SMA requires shoreline master programs to ensure no net loss of ecological functions. (See discussion of no net loss in this section.) To evaluate if the standard of no net loss of ecological function has been met through the policies, regulations, and programs included in the SMP, the City is required to complete a cumulative impacts assessment that demonstrates the effectiveness of the shoreline master program when tested against future development scenarios. The Cumulative Impacts Assessment is included as part of the Shoreline Master Program that is forwarded to the State Department of Ecology for review.

The following areas are included in Bellevue's shoreline jurisdiction:

- Lake Washington, including Mercer Slough upstream to Interstate 405 – The lake waters, underlying lands and the area 200 feet landward of the ordinary high water mark, plus associated floodways, floodplains, and wetlands;

- Lake Sammamish – The lake waters, underlying lands and the area 200 feet landward of the ordinary high water mark, and associated wetlands;
- Lower Kelsey Creek – The creek waters, underlying lands, and territory between 200 feet on either side of the top of the banks, plus associated floodways, floodplains, and wetlands;
- Phantom Lake – The lake waters, underlying lands and the area 200 feet landward of the ordinary high water mark, and associated floodways, floodplains, and wetlands (Lake Hills Greenbelt Wetland Complex);
- On lakes Sammamish and Washington, waterward from the ordinary high water mark to the City's jurisdictional line, typically halfway across the waterbody.

Shoreline Context

Bellevue's two shorelines of statewide significance, Lake Washington and Lake Sammamish, are heavily modified by residential, marina, and park development. The City's Shoreline Analysis Report notes that 81 percent of the Lake Washington shoreline is armored.[1] (Armored shorelines are those protected by vertical or near vertical rockwalls or revetment made out of hardened materials, usually rock or concrete.) Slightly less armoring (71 percent) is reported for Lake Sammamish, and more shorelines were judged natural or semi-natural on Lake Sammamish. Similarly, docks are abundant with 40 structures per mile reported for Lake Washington representing an estimated 1,632,233 square feet of coverage, and 66 structures per mile on Lake Sammamish representing an estimated 331, 940 square feet of overwater coverage.

The Newport Shores Canal area on Lake Washington is distinctive in that much of the development is laid out along artificial canals connecting to Lake Washington. Properties abutting the water are dependent upon the continued existence of vertical engineered bulkheads greatly limiting the coupling a number of physical, biological and chemical processes that create and maintain habitat.

Phantom Lake is Bellevue's other lake meeting the minimum requirements for shoreline jurisdiction which, when taken with its associated wetland system, also includes Larson Lake. At approximately 65 acres in size, Phantom Lake is too small to generate wind-driven waves and so has not prompted construction of extensive shoreline stabilization. The lake does not support motorized boat use and those docks that do exist, there are an estimated 22, are smaller and have less overall impact than do piers on Lake Washington and Lake Sammamish that support a large diversity of sail and motorized pleasure craft. As a consequence, Phantom Lake's shoreline is more intact and vegetative cover is more prevalent because much of the shoreline is designated as wetland.

[1] Bulkhead surveys of Lake Washington and Lake Sammamish were conducted in August - October of 1999. The field work was done by City of Bellevue survey crews using survey grade dual-frequency Trimble 4800 RTK GPS rovers differentially referenced to a continuously operating Trimble 4700 CORS GPS Base station receiver. Each point was shot twice with the two points being automatically checked for consistency and averaged in the GPS controllers. Any point pairs that failed to meet 0.10 foot tolerances were rejected and the point was re-acquired. Concrete, metal and wood and rockery bulkheads were located wherever they could be reasonably expected to function as stabilization or flood protection. Additionally, staff located stream centerlines and storm drainage outfalls for the Utilities Department. This was all done using a boat for waterside access to the properties.

As noted above, the City's shorelines include the lower reaches of the Kelsey Creek and Mercer Slough and their associated wetlands. Kelsey Creek is a spawning stream for Puget Sound Chinook and other salmonids. In addition, during parts of their outmigration from these and other spawning streams and hatcheries on Lake Washington and Lake Sammamish, juveniles depend upon nearshore habitats for prey, cover, and refuge. (Consult science presentations and documents at http://www.bellevuewa.gov/shoreling-science-documents.htm for more details.)

The City's Current Shoreline Master Program

Bellevue adopted its first Shoreline Master Program ("SMP") in 1974. Components of that SMP included Comprehensive Plan policies under the Shoreline Element and development regulations in Parts 20.25E (Shoreline Overlay District) and 20.25H (Critical Areas Overlay District) LUC.

In the intervening years since the first adoption, the plan was not substantially updated. As a result, it lacks a number of required components and is not aligned with current scientific information relevant to protecting shoreline functions and values. These gaps, combined with a lack of detailed performance standards aimed at guaranteeing use priority and public access, dictated that the City update its SMP in a manner consistent with the procedural and substantive requirements of the Shoreline Management Act (SMA) and its implementing rules, including WAC 173-26, Shoreline Master Program Guidelines (2003 Guidelines). Some gaps, however, were closed with the City's update of its critical areas ordinance in 2006. Changes made then provided partial protection to some critical shoreline resources via critical area buffers and significantly revised dock and bulkhead standards. Pursuant to Council direction received when the SMP update was initiated and funded, the SMP Update was to build on the adopted 2006 regulatory framework in order to protect Shoreline ecological functions and ensure compliance with state update guidelines.

No Net Loss of Shoreline Ecological Functions

Shoreline ecological functions are those habitat-forming processes, roles, or services that shorelines perform. They are the building blocks of habitat types on which species depend. For example, plants and animals depend on certain physical conditions and ecological processes for their survival. Such conditions include water depth, soil type, and water temperature. Ecological processes include water flows and movement, nutrient recycling, sediment movement, and predator-prey (food web) relationships. A change or disruption to specific ecological functions may have a range of impacts, some negative, to the habitat on which specific species depend; loss of habitat can often lead to species loss.

The SMA provides a broad policy framework for protecting the natural resources and ecology of the shoreline environment. The SMP Guidelines establish the standard of "no net loss" of shoreline ecological functions as the means of implementing this framework through shoreline master programs. Local governments must achieve this standard through both the SMP planning process and by appropriately regulating individual developments as they are proposed in the future.

At its most basic, the concept of no net loss is that any loss of ecological function caused by an action must be offset by an equivalent gain in ecological function. For example, when the physical condition of the shoreline is altered by removing existing native vegetation to clear

for lake views, or when nearshore habitat is altered by construction of a dock, there occur measurable impacts to a range of functions (vegetative, hydrologic, and habitat) that may have a direct impact on the ability of certain species to persist.

To counter this loss, any mitigation must address both the function that is lost, its spatial location, and the temporal dimension associated with that loss. For example, the habitat function lost by removing mature trees on the shoreline cannot be replicated by simply planting an equivalent number of trees somewhere else on the site because the location, next to the shoreline, is extremely important relative to the habitat it provides. Likewise, the functions provided by mature trees cannot be easily replicated by planting an equal number of juvenile trees. The temporal loss must be considered and calculated when assigning appropriate mitigation amounts. The SMP Guidelines rely on a six part mitigation "sequencing" to ensure adequate consideration of all elements that affect net loss of ecological function. Such mitigation sequencing includes: (1) avoiding the impact; (2) minimizing the impact; (3) rectifying the impact; (4) reducing or eliminating the impact through preservation and maintenance; (5) compensating for the impact; and finally, (6) monitoring the impact and ensuring corrective action is taken when failure is apparent. However, the SMP Guidelines recognize that not all impacts can be completely mitigated in this manner, and thus they recognize the importance of a restoration plan to address cumulative loss over time.

Central Role of the Guidelines

The SMP Guidelines provide process and substantive direction to local jurisdictions when preparing their shoreline master programs. Under RCW 90.58.200, Ecology is authorized to adopt rules to implement the provisions of the Shoreline Management Act; and under RCW 90.58.060 Ecology was required to adopt guidelines for the development and review of shoreline master programs. The SMP Guidelines were adopted as rules pursuant to the Washington Administrative Procedure Act (Ch. 34.05 RCW).

While the SMP Guidelines are designed to allow local government substantial discretion to adopt master programs that reflect local circumstances; for example, buffers in one community might be smaller, reflecting the prevalence of gradually sloping shoreline without extensive shoreline hardening while in another they are larger to address the hazard of actively eroding, high-bluff shoreline, they are nonetheless the standards and criteria that Ecology uses to review, and ultimately, to adopt local master programs under RCW 90.58.090.

For each master program provision addressed in the guidelines, there is a discussion of applicability, a set of general principles, and a list of standards. The meat of the guidance is in the principles and the standards. The principles are essentially mandatory policies. The term "shall" is typically used in the imperative voice, meaning an action is mandated or required—see WAC 173-26-191(2) *Basic Requirements*. The standards are also obligatory but differ in specificity; for example, in residential areas, in the absence of critical areas, the Guidelines do not spell out that one must use buffers or special vegetation management areas to ensure no net loss of ecological function. What the Guidelines insist upon is that there be no net loss of ecological function; buffers and management areas simply happen to be a very

effective means to that end and are the most commonly accepted regulatory practice. At the other end of the spectrum, the standards addressing structural stabilization provide detailed and mandatory direction, including the requirement that structural stabilization shall not be permitted or replaced except in very specific and difficult to demonstrate circumstances.

In summary, the Guidelines establish specific principles and standards that must be met to ensure successful adoption of a local shoreline master program by Ecology. As discussed above, the key is the concept of *no net loss of ecological function*; it is the end result to which all the principles and standards point. It is also the principle standard by which Ecology judges whether a master program meets the intent of the Guidelines.

The Relationship of Science to the Guidelines and Policy Making

Science played a very important part in creating the SMP Guidelines and is a required component of any Shoreline Master Program. For example, following RCW 90.58.100 (1), local governments are instructed to "utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts and consider all plans, studies, inventories and systems of classification made or being made by federal, state, regional or local agencies . . . or by organizations dealing with pertinent shorelines of the state." This legal direction is implemented in the Guidelines in the requirement to incorporate "the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern."

In preparing the regulatory concepts for Planning Commission review that went into the draft SMP, staff consulted a wide range of scientific information including peer reviewed articles, published "gray" literature, and detailed studies by consultants working for the city of Bellevue. Staff also consulted with a number of agency personnel and listened to hours of public testimony. Much of this has been posted to the website or is available in the project file. In addition, city consultants prepared a detailed shoreline inventory and analysis report that assesses ecological and ecosystem processes at the reach scale. This analysis served as the basis for deciding where environment designations should be placed and will function as the baseline against which generalized estimates of the impacts of future development actions on the shoreline will be measured.

The Planning Commission was introduced to many of the key concepts through a combination of staff and consultant briefings, direct panel discussions with scientists and state regulators, and through presentations by Washington Sensible Shoreline Alliance (WSSA). Based on the information presented or contained in the record, it is clear that our activities that occur along lake shorelines today affect a number of physical, biological and chemical processes that create and maintain habitat, and therefore affect the species that live in lakes or on shorelines they abut. Development such as boathouses, sheds, impervious surface, bulkheads and docks abutting shorelines affects riparian and littoral habitat structure, shading, shoreline habitat conditions, and water and sediment quality. These impacts are generally measureable or can be estimated by proxy, and they suggest there is considerable risk in letting the current state of affairs continue unabated. (See Attachment 2 *Department of Ecology Potential No Net Loss Indicators.)*

So while there is ample evidence that there is clear association between development on shorelines and a marked decline in ecological function, scientists often disagree about causes, or can identify associations but cannot tease out all the causative factors. So, while scientists can assist in formulating policy options and assessing risk, they cannot provide the degree of certainty that might be ideal. Instead, policy makers need to act under scientific uncertainty and with the understanding that ecological health could deteriorate if their response is insufficiently protective. In this regard, they must act to some extent as risk managers, carefully weighing the potential for further loss of ecological function against the degree of intrusion on private property rights that regulation inevitably entails. The draft SMP reflects the notion that there is sufficient scientific information to support the level of regulation required by the State Guidelines to protect against no net loss of ecological function.

Information Record

To date staff has provided the Commission with a substantial amount of information. A partial list is provided below. A more complete list is available for public review at http://www.bellevuewa.gov/shoreline-master-plan.htm

Original Binder Provided to Planning Commission Included:

- Current SMP from Comprehensive Plan (Source: Comp Plan).
- Published WAC Guidelines (Source: WAC).
- History of adoption of WAC Guidelines (Source: Ecology).
- Summary of SMP (Source: Ecology).
- Project scope with task/phase chart (Note: Contract which included project scope and stages approved by Council).

Supplemental Information Provided to Planning Commission (To Date) Includes:

- List of frequently asked questions and responds to those questions (also on the web).
- Direct responses to the questions raised by the Commission.
- Guide to "Waterfront Titles in the State of Washington."
- Anacortes v. Futurewise summary.
- Written correspondence with property interests.
- Copy of the complete shoreline inventory and characterization document (Available Online).
- Draft shoreline environment maps.
- Copies of other jurisdiction SMP's (excerpts from Redmond, Sammamish, Kirkland).
- To the extent practicable summarize WAC identifying what is required vs. what is optional. Used color scheme to facilitate reading.
- Map Book- Results of GIS study on affects of buffers/setbacks on single family residential. How many properties are affected broken down by geographic areas.

- Use standard table format to compare/analyze policies to other jurisdictions. Currently being prepared by project consultant team.
- Best Available Science and Risk Analysis for CAO.
- Lake Sammamish OHWM Study with correspondence between City and Ecology.
- Land Use Planning for Salmon, Steelhead and Trout. Washington Department of Fish and Wildlife, Olympia, Washington.
- Waterfront Property Owners Focus Group (Nov. 18, 2008)
- Resident Telephone Survey (June-July, 2008)
- Draft Restoration Plan
- WAC 173-27 Shoreline Management Permit and Enforcement Procedures
- WAC 197-11-800 Categorical Exemptions
- RCW 90.58 Shoreline Management Act of 1971
- RCW 36.70B Local Project Review
- Agency Panel Presentation 12/9/09
- Participants PDF
- Behavior and Habitat use of Chinook Salmon - Roger Tabor, US Fish and Wildlife
- Movement and Habitat Use of Chinook Salmon Smolts and Two Predatory Fishes in Lake Washington and the Lake Washington Ship Canal
- Nearshore Habitat Use by Juvenile Chinook Salmon in Lentic Systems of the Lake Washington Basin
- Shoreline Stabilization and the importance of shoreline vegetation - Jose Carrasquero, Herrara Environmental ConsultantsLate-Run Kokanee - David St. John and Hans Berge, King County Department of Natural Resources and Parks,
- 2003 King County Report
- Lake Sammamish Late-Run Kokanee Synthesis Report
- Effects of a Temperature-Oxygen Squeeze on Distribution, Feeding, Growth and Survival of Kokanee in Lake Sammamish
- 2008-09 Lake Sammamish Late-Run Kokanee Survey and Escapement Summary Lake Sammamish Kokanee VideoEffects of Shoreline Urbanization and Aquatic Ecosystems - Tessa Francis, NOAA Fisheries
- Storm and Surface Water Management in Bellevue - Denny Vidmar, Bellevue Utilities Department

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 recognized 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.

VI. DRAFT SMP

Introduction

The draft SMP is needed to comply with the statutory deadline for a comprehensive update of the City's local Shoreline Master Program pursuant to RCW 90.58.080. This amendment is also needed for compliance with use regulations and program content requirements of Chapter RCW 90.58. As the existing Bellevue SMP has been in effect since 1974, this SMP update is needed to address land use changes that have occurred along the City's shorelines

over the past 37 years, and to bring the SMP current into alignment with the environmental protection and land use management policies and practices provided by the City's 2006 Critical Areas Ordinance, Comprehensive Plan elements, and the 2003 SMP Guidelines (Chapter173-26 WAC).

The City's statutory deadline pursuant to RCW 90.58.080 is December 1, 2010. The City entered into a grant agreement authorized by Ordinance No. 5775 with Ecology in late 2007, receiving a total of $175,000 in grant funds to complete this draft SMP update by June 30, 2011.

Unlike the City's current SMP, the draft SMP is designed as a stand-alone document located in Part 20.25E LUC (including in part, use charts, permitting and appeals, administration, enforcement provisions, and definitions), and will replace the current Part 20.5E LUC in its entirety. Subsequent amendments to certain provisions of the LUC and the Bellevue City Code are required for consistency with the draft SMP. The update will close gaps in the City's current SMP related to state-required components, align the SMP with current scientific information relevant to protecting shoreline functions and values, provide for a broader range of shoreline uses, and include detailed performance standards to provide use priority and public access opportunities to the shoreline.

SMA Required Components: The SMA requires the Bellevue SMP to include the following components:

1. Shoreline Element of the Comprehensive Plan (policies)
2. Shoreline Overlay of the Land Use Code (regulations)
3. Critical Areas Overlay of the Land Use Code (regulations)
4. Shoreline Environment Designations (maps)
5. Shoreline Jurisdiction (maps)
6. Shoreline Inventory and Analysis (study)
7. Shoreline Restoration Element (guidance document)
8. Shoreline Cumulative Impact Analysis

Implementation

As previously discussed with the Planning Commission, a conscious effort has been made to include virtually all SMP development regulations in Part 20.25E of the Land Use Code. As a consequence, this section includes nearly all of the regulations related to the SMP including those specific to shoreline environments, uses, nonconformities, dimensional standards, development standards, design standards, and other requirements. The full range of draft regulations is included in this list:

- General section of the SMP
- Non-Conforming Uses
- Shoreline Uses
- Use Charts
- Dimensional Requirements
- General Requirements Applicable to All Shoreline Development and Use
- Residential Uses and Development
- Specific Use Regulations
- Shoreline Modifications

- Review and Appeal Procedures
- Shoreline Processes
- Shoreline Project Permits
- Administration and Enforcement
- Definitions

Other changes are proposed for sections of the Land Use Code outside of Part 20.25E, such as related amendments to other land use code sections, including the Critical Areas Overlay District Part 20.25H LUC for the purpose of removing conflicts and ensuring cross reference accuracy with the packet ultimately recommended by the Planning Commission correction and clarification.

Regulatory Approach to the Draft SMP

The draft SMP applies to that part of a property or properties 200 feet from the ordinary high water mark and the aquatic area waterward of that mark to the City's jurisdictional boundary. Associated floodways and wetlands area also included. While the entire shoreline area is subject to regulation under the draft SMP— the Guidelines requirement of no net loss applies to each increment of development no matter its location on the site—the impact on property owners can be greatly reduced, and the immediate benefit to aquatic habitat potentially increased, if regulations and incentives are targeted to protecting a smaller area on either side of the ordinary high water mark. Regulations aimed at moderating development impacts to this interface between land and water may result in the most positive effects on a range of critical water quality and habitat functions, including those components most important to juvenile Chinook survival in Lake Washington and Lake Sammamish.

Consequently, the regulations in the draft SMP are mostly focused on the first 50 feet above Ordinary High Water Mark (OHWM)—the area represented by the 50-foot setback—and the area below OHWM out 30 feet or until 9 feet of water depth is reached. This approach is justified because the coupling between terrestrial and aquatic systems is particularly strong along the lakeshore and it is in this area where human activities and their impacts can most interfere with this relationship.

Shorelines that are heavily modified with bulkheads, devoid of native vegetation or covered by structures, concrete, and pavers simply cannot contribute to this crucial interaction between land and water in the same manner less developed shorelines can. While not the only source of contributions, the absence of shoreline inputs can negatively affect the productivity of benthic habitats supporting both rooted and floating vegetation within littoral or photic zone (the depth to which light penetrates). This is important because the array of species found in the littoral zone is generally more diverse than in either open or deep water areas and is attributed to the variety of substrates and vegetation comprising the habitats present. Shading by docks, damage from propeller and jet-ski wash, and other impacts associated with active use of shallow water areas are believed to have negative impacts on these important habitat components. Other areas on a shoreline property, being further removed from this sensitive zone, are simply more resilient, and the draft SMP reflects this fact by providing policies and regulations aimed primarily at protecting an area around this interface between land and water rather than the entire shoreline area outside this zone.

General Requirements in the Draft SMP Applicable to all Shoreline Environments

The following provisions and performance standards apply generally across all substantive elements of the draft SMP.

No Net Loss of Ecological Function: The SMP Guidelines establish the standard of "no net loss" of shoreline ecological functions as the means of implementing the framework of the SMA through shoreline master programs. Local governments must achieve this standard through both the SMP planning process and by appropriately regulating individual developments as they are undertaken in the future. The draft SMP requires shoreline uses and development to be located and designed to prevent or mitigate adverse impacts to natural shoreline resources, wildlife habitat, and fish and other aquatic habitat to ensure no net loss of shoreline ecological functions and processes. Accordingly, projects developed that comply with all applicable standards required by the draft SMP are presumed to satisfy the no net loss of ecological standard.

Specific analysis of no net loss of ecological function is required, however, when applying for a Shoreline Conditional Use Permit, a Shoreline Variance, as part of a Special Shoreline Report, or as part of a site specific mitigation plan when required under the draft SMP.

Technical Feasibility Analysis: The draft SMP requires a technical feasibility analysis for those uses that are allowed in shoreline jurisdiction subject to a finding that no technically feasible alternative exists to an alignment or location outside the area. Typical uses subject to this test are road alignments, bridges, utility facilities, and similar public infrastructure. A similar test exists in the Critical Areas Overlay District already at LUC 20.25H.055.C.2. The decision on whether an alternative is technically feasible is made by the Director, with an opportunity for appeal to the City Hearing Examiner, and is based on a report prepared by a qualified professional that address six criteria having to do with: (1) site conditions; (2) location of the existing infrastructure; (3) the function or objective of the proposed facility; (4) the level of risk to a facility from shoreline erosion and the ability to mitigate this risk; (5) whether the cost of avoiding the shoreline is disproportionate when compared to the environmental benefit; and (6) the ability of permanent and temporary impacts to be mitigated.

Where a demonstration is made that no technically feasible alternative exists to locating in the shoreline jurisdiction, then an applicant must comply with a series of general and specific performance standards designed to further limit damage to shoreline ecological functions.

Mitigation Sequencing The SMP Guidelines rely on a six-part mitigation "sequencing" approach to ensure adequate consideration of all these elements. (See LUC 20.25E.060.D for details.) Such mitigation sequencing includes: (1) avoiding the impact; (2) minimizing the impact; (3) rectifying the impact; (4) reducing or eliminating the impact through preservation and maintenance; (5) compensating for the impact; and finally, (6) monitoring the impact and ensuring corrective action is taken when failure is apparent. Special location preferences, mitigation ratios, and mitigation plan requirements are included as well.

Water Quality: In an effort to acknowledge the importance of other codes and programs in controlling stormwater inputs and associated water quality pollution, the Draft SMP makes specific reference to the applicable provisions of Chapter 24.06 BCC (Storm and Surface Water Utility Code), the Storm and Surface Water Engineering Standards (2011), and Chapter 23.76 BCC (Clearing and Grading Code) and the Clearing and Grading

Development Standards. In addition, specific material standards are required that limit the leeching or discharge of harmful pollutants to aquatic areas. The use of coal tar sealants that contain high levels of Polycyclic Aromatic Hydrocarbons (PAH) is specifically prohibited.

Special Shoreline Report: Similar to the approach adopted in the critical areas update, prescriptive standards are included to provide clear options for complying with the no net loss standard that create a regulatory "safe harbor." Additional details regarding the prescriptive standard are provided below. However, when the prescriptive standards do not provide the necessary flexibility an off-ramp is provided.

The draft SMP includes provisions that allow a property owner to suggest modifications to the prescriptive standards, using a science-based report, where it can be demonstrated that the resulting protection of shoreline ecological functions is as good as or better than would otherwise result from application of standard requirements. The process is intended to provide flexibility for sites or proposals providing unique design, or protection of shoreline area and functions and values, not anticipated by the prescriptive regulations, and to ensure that strict implementation of certain requirements will not thwart the policy enumerated in RCW 90.58.020. The application of the special shoreline report is specific to proposed modifications of setbacks, moorage and shoreline stabilization requirements included in the draft SMP. The shoreline special report process was tailored after the critical areas report process and is used to modify impervious surface standards set forth in LUC 20.20.010.

Shorelines of State Wide Significance: The SMA identifies certain shorelines as "shorelines of the statewide significance" and raises their status by setting use priorities and requiring "optimum implementation" of the act's policies. Both Lake Washington and Lake Sammamish are classified as shorelines of statewide significance because they exceed 1000 acres in size. Optimum implementation involves special emphasis on statewide objectives and consultation with state agencies. Paramount in regulating Shorelines of Statewide Significance is placing the state-wide interest over local interest RCW 90.58.020. For example, the presence of threatened anadromous fish species means, at a minimum, that the City, in developing its SMP, must consult with the Washington Departments of Fish and Wildlife and Ecology, the Governor's Salmon Recovery Office, and the Muckleshoot Indian Tribe.

New SMP Provisions with Greatest Influence on Shoreline Ecological Functions

The following prescriptive provisions and performance standards are expected to be most important in moderating the negative effects of development on a wide range of shoreline ecological functions. As a result, they are expected to be the main standards in the draft SMP that guarantee no net loss of ecological function. (For a jurisdiction-by-jurisdiction comparison of regional standards see Attachment 1.)

Environment Designations: An important addition to the SMP is the classification of Bellevue's shorelines into environmental designations (similar to a zoning overlay). The 1974 SMP had only one environmental designation—urban residential—and its designation was implied since the plan did not contain specific policies or regulations specifically acknowledging such a designation. In contrast, the updated SMP now has six designations consistent with state update guidelines: (1) Aquatic; (2) Urban Conservancy - Open Space; (3) Urban Conservancy; (4) Shoreline Residential; (5) Shoreline Residential Canal; and, (6) Recreational Boating.

The designations are based on an analysis of shoreline uses and shoreline ecological functions on an aggregate basis by shoreline reach, including the biological and physical characteristics of the shoreline. Based on these results, the shoreline is divided into specific units called environment designations. Because the environment designations represent varying levels of ecological function, different regulations are often prescribed. The objective of the designation and its associated regulations limit development to protect presently intact ecosystem functions and allow the continuation and redevelopment of existing uses, using new standards, to protect existing ecological conditions and enhance degraded functions through incentives and regulatory requirements. For example, a mostly undeveloped shoreline with high ecological benefit would have corresponding policies and regulations that mostly preserve and support those characteristics. In contrast, a highly-developed shoreline with lower ecological benefit would have corresponding policies and regulations appropriate to continuing shoreline uses while preventing further degradation of the remaining biological and physical characteristics of the shoreline.

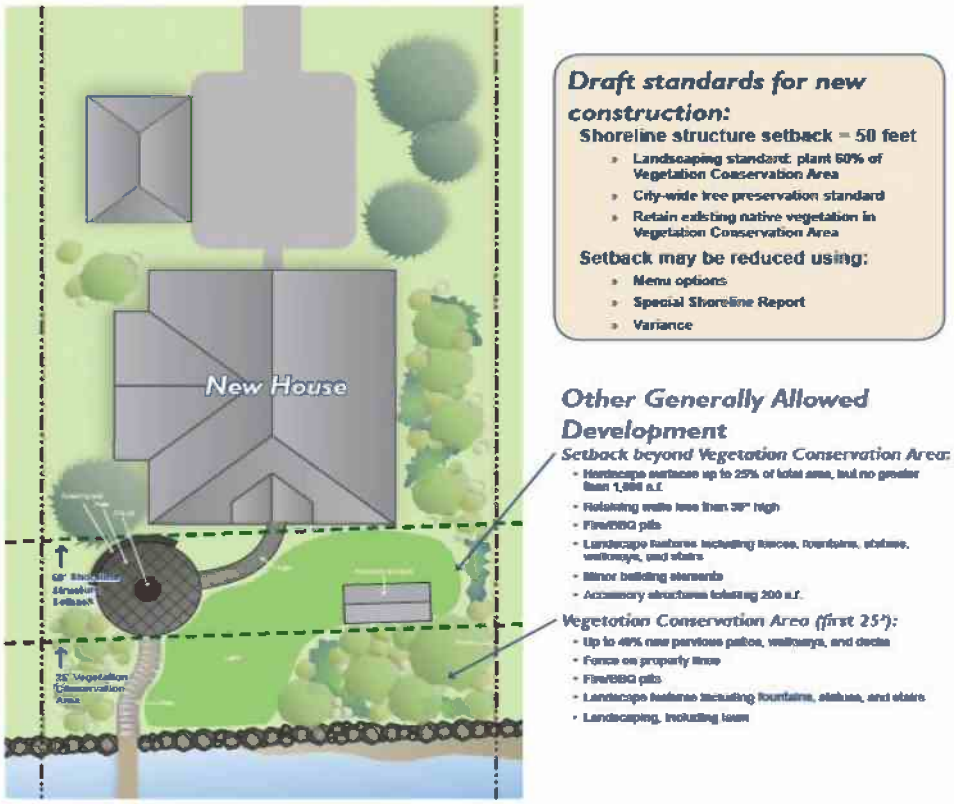
Shoreline Protection – Setbacks: Bellevue's existing regulatory approach (1974 SMP with 2006 Critical Areas Update) gives special attention to protecting the shoreline interface by employing structure setbacks and "no-touch" buffers, along with stabilization and dock standards designed to meet the requirements of the Guidelines and federal agencies. The idea is to limit development impacts on habitat functions important to aquatic species of local importance. Regulatory buffers associated with native vegetation provide one of the best means to ensuring maintenance of the crucial connection between land and shore and the habitat and water quality benefits that come with it. The imposition of setbacks and buffers naturally constrain development within this sensitive area by limiting the actions and types of development that can occur there. Under Bellevue's current rules, some departures from the required setback and buffer dimensions are authorized; however, such departures require a science-based report demonstrating net improvement in ecological function above what otherwise would have occurred under the prescriptive critical area standard.

Assuming continued development pressure, such an approach generally results in vegetative improvements within the 25-foot buffer from OHWM. On some occasions, bulkheads or portions of bulkheads are removed to offset the impacts of new development within the setback or buffer. These improvements are generally deemed sufficient to offset impacts to hydrologic, vegetative and habitat functions that arise from development within the setback or buffer, primarily because they accelerate the reestablishment of a vegetative connection close to the water's edge. Moreover, such improvements have the benefit of having been based on a site specific science-based study and arguably reflect a more accurate assessment of actual site conditions and impacts.

In drafting a new SMP, staff faced a substantial challenge in crafting standards to meet the Planning Commission's interest in creating more Bellevue-appropriate regulations, while protecting ecological functions in the manner similar to that provided by the shoreline buffers of the existing critical areas ordinance. To offset the loss of the existing "no touch" shoreline buffer, the draft SMP maintains the same overall structure setback dimension (50 feet) while replacing the 25-foot no touch buffer with a vegetation conservation area designed to occupy at most 60 percent of the previous buffer area. The remaining 40 percent is made available for water dependent recreation and enjoyment but with a limitation on the development new structures and impervious surfaces. (See Figure 1 below for details.)

To further offset the loss of protective benefits associated with the no touch shoreline buffer, the Draft SMP adds a landscape standard for new residential development wherever it occurs on the site, and for redevelopment within the setback area. Since this draft standard applies to new development outside the setback—something not previously regulated under the critical area protections—it may foster planting of the vegetation conservation area at a rate similar to or exceeding the mitigation typically required as an outcome of the critical area report process. This requirement is further supplemented with a mitigation options menu that includes prescriptive regulations based on common mitigation options previously seen in science-based site specific analysis done as part of the existing critical area report process. Since some measure of the existing buffer is almost always occupied by existing development, and required access to docks and beaches is needed under both the no touch buffer and the draft SMP setback approaches. The actual difference in outcome between the existing critical area no touch buffer and structure setback protections and those proposed in the draft SMP is assumed to be small and in keeping with the balancing required to provide for two potentially conflicting policy goals of the Shoreline Management Act: recreational access to the shoreline and no net loss of shoreline ecological functions.

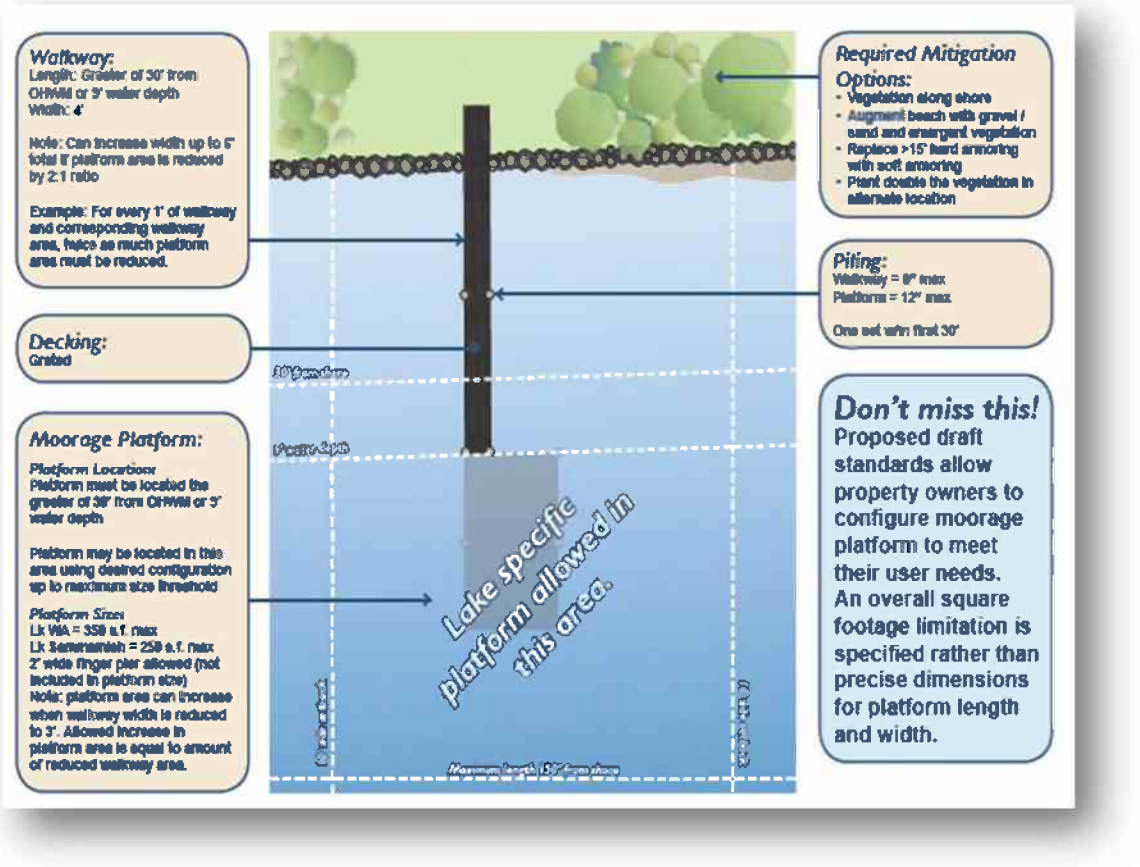
Figure 1: Shoreline Setback for New Development



Vegetation Management Standards: Because Bellevue's current critical areas regulations require a 25-foot "no-touch" buffer on the shoreline, preservation of existing native vegetation within the area included in that buffer is a reasonable expectation. In removing the no touch buffer requirement, the City needed to ensure protection of existing native vegetation within some part of the newly established 50-foot structure setback to ensure no net loss of ecological function. The draft SMP employs a vegetation overlay designed to protect native vegetation existing within the first 25 feet from OHWM. Instead of protecting a fixed area, this approach protects native vegetation, thereby making recreational development of a component of the shoreline more likely since detailed science-based reports are not required to justify intrusions. Such an approach makes sense given the highly developed nature of Bellevue's major shorelines, the impact of existing development, and the demand for recreational use of the shoreline area. Protection provided by this approach may be supplemented by replanting of up to 60 percent of this vegetation conservation area when necessary to mitigate for new development elsewhere on the site.

Shoreline Modification – Residential Moorage: The purpose in updating the existing critical area dock standards was to simplify and clarify the standards while ensuring no net loss of ecological functions. As a result, the draft standards, much like the existing critical area rules, focus on limiting the overwater coverage in the nearshore while pushing the moorage function out a minimum of 30 feet from OHWM or to a length necessary to reach a depth of 9 feet, whichever is greater. Walkway width is restricted to four feet and the walkway must be grated. (See Figure 2 below for details.)

Figure 2: New Residential Moorage Standards



When compared to prior CAO standards, the key difference, however, is that new standards do not specify a particular moorage configuration or specific dimensional standard for ells or floats beyond restricting the amount of total overwater coverage of the moorage platform (e.g., 250 square feet for Lake Sammamish and 350 square feet for Lake Washington), while requiring grating throughout. The result is an owner-configurable moorage platform, the ultimate approval of which depends on state and federal agencies. The difference in size of moorage platforms is in response to the larger deepwater boats typically moored on Lake Washington compared with Lake Sammamish where smaller runabouts are common. Other lake-specific standards are included in the draft SMP for Phantom Lake and the Residential Canal Environment that reflect the vessel diversity seen in those areas and respect Homeowners Association Rules where applicable.

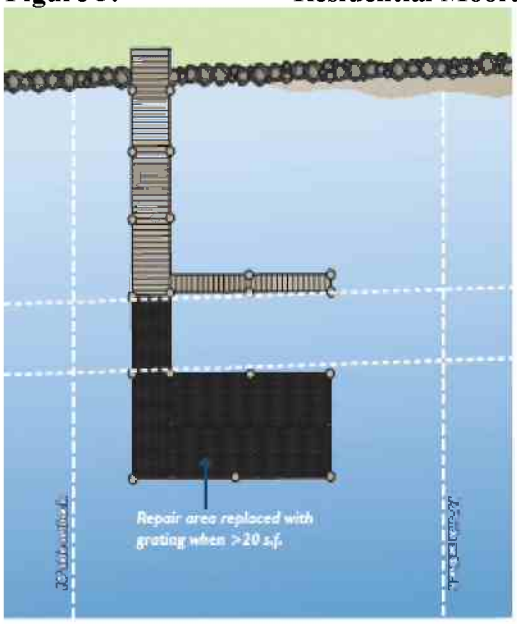
Since total overwater coverage is considered a potential indicator of net loss of ecological function, it is worth comparing the total overwater coverage allowed under the current critical area rules with the standards in the draft SMP. The current code restricts new docks to 480 square feet of total overwater coverage. This amount can be increased but only by means of a science-based critical areas report and with additional mitigation.

Comparing this standard with that provided by the draft SMP is complicated because of the uncertainty about how far the walkway will need to extend to reach the minimum depth requirement of nine feet. Assuming that, on average, a Lake Washington dock will have to extend at least 40 feet to reach the 9 foot depth, the amount of overwater coverage would total 510 feet comparing relatively favorably with the current requirement of 480 square feet. Similar calculations on Lake Sammamish result in 410 square feet of overwater coverage, somewhat less coverage than the maximum allowed under current code. Under the same assumption of a 40-foot walkway length, the maximum average over water coverage is 460 square feet across the two lakes. On balance, the dock standards in the draft SMP compare favorably with the existing critical area standards while ensuring no net loss of shoreline ecological functions.

Residential Moorage -- Repair: Given the urbanized character of Bellevue's lake frontage, most properties already are developed with a dock, maintenance and repair is an important concern. Under current rules, maintenance and repair of legally-established docks is permitted subject to a specific repair threshold above which proportional compliance to the new standard is required. Under the draft SMP, the repair thresholds have been liberalized with the result that docks can be fully repaired without triggering complicated proportional compliance provisions. Instead material standards and grating have been made mandatory for all but the most modest repair actions. Only replacement of more than 50 percent of the pilings triggers compliance with the standards for new docks. (See Figure 3 for details.)

Residential Moorage – Reconfiguration: Proposals to reconfigure or replace existing residential docks are similarly treated in both the existing critical area standards and the draft SMP. Such proposals must meet the requirements associated with new docks at LUC 20.25E.065.I.3 and 4. These provisions permit reconfiguration without significant coverage penalty, provided that the existing moorage platform is existed beyond the nine-foot depth limitation. Thus moorage platforms over the coverage limitation in the standards for new piers may be retained provided they are located beyond nine feet. However, a property owner is always guaranteed the maximum moorage platform under the new standard.

Figure 3: Residential Moorage Repair Standards



Standards for Dock Repair / Maintenance:

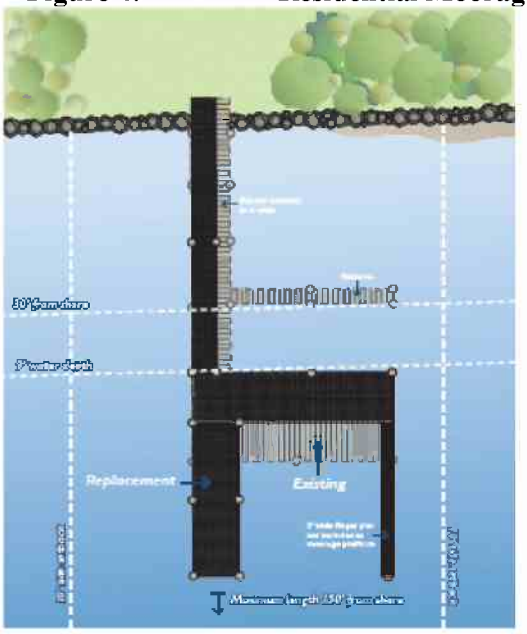
The proposed draft identifies the following activities as repair and maintenance:

- Repair / replacement of 100% of decking
- Repair / replacement of 100% of substructure
- Repair (cutting, splicing, capping) of 100% of piling
- Replacement of up to 50% of piles (note: cumulative over 3 year period)
  - Grated decking required for repair of decking >20 s.f.

Don't miss this!

For example, on an existing dock with 20 piles: up to 10 piles may be replaced, the remaining 10 spliced or capped, all decking and substructure replaced, and the entire surface grated.

Figure 4: Residential Moorage Reconfiguration



Standards for Dock Replacement:

Walkway:

- Length = greater of 30' from OHWM or 9' water depth
- Width = 4' (Note: can increase width up to 6' total if platform area is reduced by 2:1 ratio)

Moorage Platform:

- May be equal to existing platform area or maximum allowed for new dock, whichever is greater.

Decking:

- Must be grated

Piling:

- One set within first 30'
- Walkway = 8" max; Platform = 12" max
  - Mitigation: four options to meet standard

Don't miss this!

- Existing moorage platform size does not need to change when dock is rebuilt and reconfigured.
- Alternative designs to the prescriptive standard are considered through a Special Shorelines Report.

Shoreline Modifications—New Stabilization: Bellevue's existing rules regarding shoreline stabilization were designed to be consistent with the standards provided in the Guidelines, allowing for minor repair of existing hard stabilization, but limiting new and replacement stabilization to those situations where need is clearly demonstrated to protect existing primary structures. The draft SMP approaches the subject in a similar way.

Avoiding the need for new stabilization is a primary policy objective of the Guidelines, so development that purposefully avoids erosion hazards by locating the primary structure at a safe distance from OHWM to avoid those risks is preferred. Where an applicant perceives the need for stabilization on a site without it, necessity must be shown by hiring a qualified professional to conduct a feasibility analysis. The analysis assesses a number of site specific factors, information about wind direction, speed, fetch and likely wave height, as well as risk to the existing primary structure and other factors.

Where stabilization is allowed, the draft SMP mirrors the existing critical area standards by articulating a clear preference for soft stabilization; hard stabilization is an option only when soft options are not technically feasible or the structure to be protected is so near (less than 10 feet) to OHWM that hardened stabilization is the default option. (See Figure 5 below for details of options.)

In picking soft solutions, the draft SMP provides applicants with a wide range of better defined options, outlined in order of priority, ranging from vegetative and bioengineered techniques to a combination of the first two options with some rigid structures incorporated for additional safety. When site conditions warrant the use of hard stabilization, an applicant is directed to a list of prioritized solutions ranging from 3:1 revetments with extensive live staking and other vegetative enhancement all the way to a near-vertical rock structure not to exceed 1.5:1. Under the draft SMP, new vertical stabilization is not permitted.

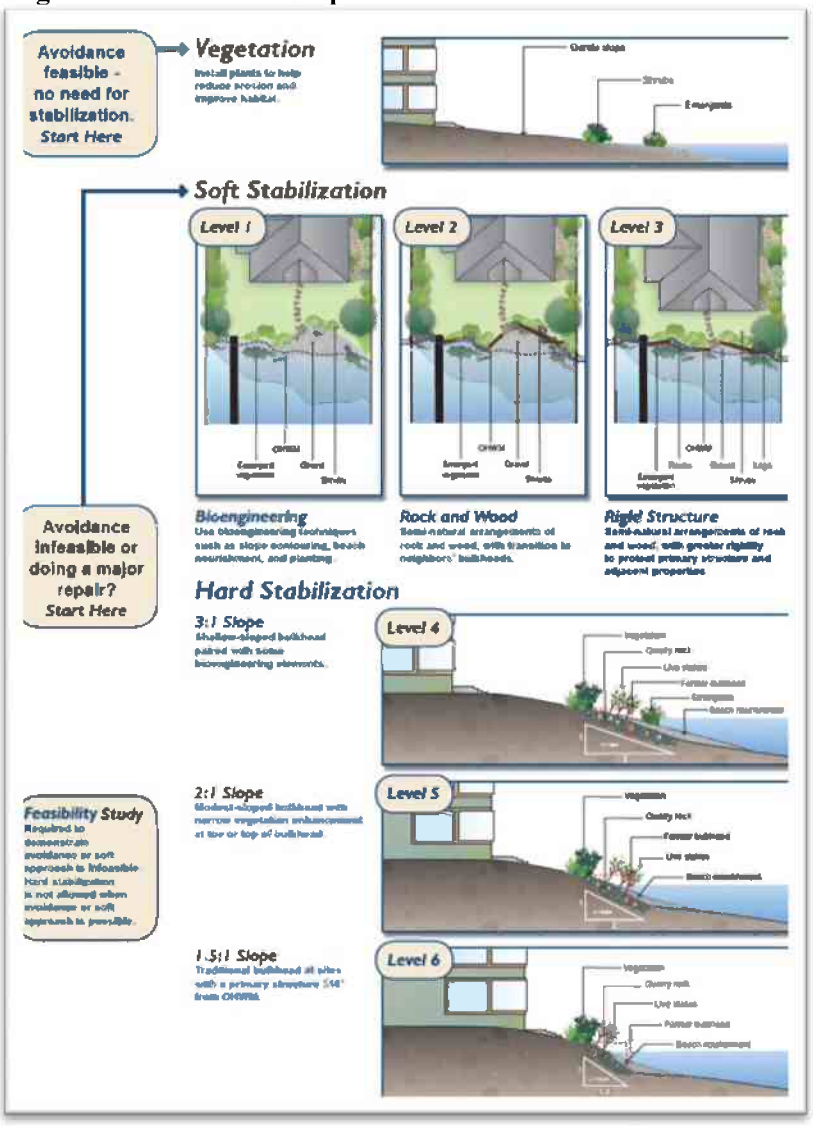
In an improvement over the existing rules, the draft SMP clarifies where stabilization may be located when a documented flood hazard area exists; only soft stabilization is permitted within the area of special flood hazard except that low-angle planted revetments are permitted due to their limited impact on flood storage. In general, stabilization measures are prohibited waterward of the OHWM with the notable exception of those measures that incorporate approved habitat improvements.

Shoreline Modifications—Repair of Existing Stabilization: As provided under existing rules, repair of existing legally-established shoreline stabilization is allowed subject to certain thresholds, provided the damage or destruction is not so severe as to cause loss of structural integrity that is sufficient enough to jeopardize its erosion protection function. The draft SMP contains similar provisions but is clearer about when the regulatory compliance threshold is met; only when cumulative reconstruction exceeds 50 percent of the structure's linear length over a three year period does the draft SMP define such repair as major, making it subject to the standards for new stabilization measures. Irrespective of the level of repair required, legally-established stabilization is presumed necessary and the feasibility analysis to demonstrate whether it is need or not is not required.

As a result, the draft SMP sets a clearer standard regarding what constitutes repair, allowing maintenance and repair of legally-established stabilization to occur where necessary, but

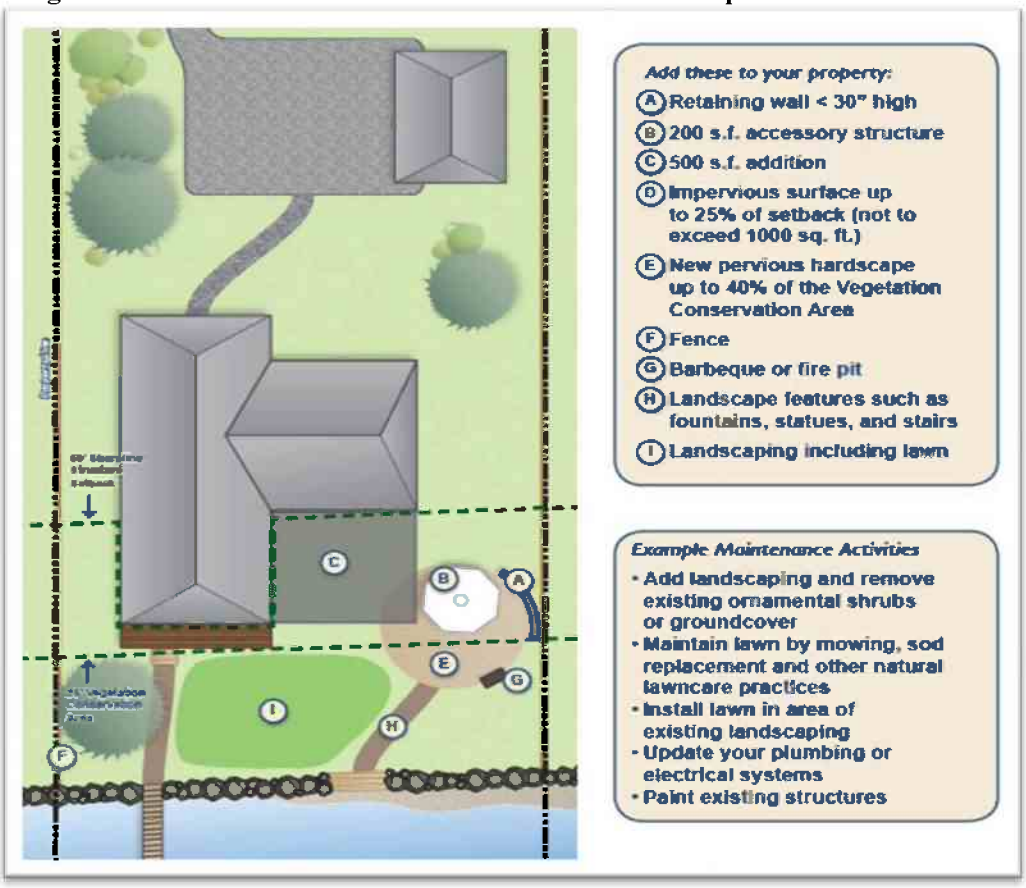
requiring neglected or heavily damaged stabilization to be rebuilt according to the new standards. On balance, the stabilization standards in the draft SMP ensures no net loss of shoreline ecological functions.

Figure 5: Stabilization Options



Accommodation of Existing Residential Development: Existing primary structures and landscaping are accommodated in the draft SMP. Under the existing rules, expanded critical area buffers were modified to follow the footprint of the existing primary structures, ensuring none of those structures would be rendered nonconforming. This allowance is retained in the draft SMP, despite the fact that the draft SMP provides for no increase in buffers or setbacks. (See Figure 6 below for details.)

Figure 6: Accommodation of Residential Development



Residential Nonconformities: When a primary structure exists in the vegetation conservation area (the first 25 feet from OHWM), that structure is considered nonconforming. This approach is taken because the structure setback has been in place since 1974 and thus does not represent a new burden on property owners. Routine maintenance and repair is permitted up to a defined threshold of 50 percent of replacement value over a three-year period.

Other Important Draft SMP Provisions

Nonresidential Nonconforming Use: The draft SMP fosters reinvestment and ongoing maintenance of legally-established uses while discouraging new office uses that no longer conform to the requirements of the draft SMP. This approach applies most liberally in the Bellfield Office Complex where incentives are offered to allow limited conversion to existing non conforming development as necessary to accommodate allowed shorelines uses. The draft SMP allows reconstruction of up to 100 percent when structures are destroyed by events outside the owner's control. Tailored after the recently adopted Bel-Red regulations governing existing conditions, the standards clarify how to document a legally-established nonconformity; maintain existing vested entitlements; allow ongoing repair and maintenance; require proportional compliance for alterations over the 50 percent of replacement value; and allow structures to be moved to reduce nonconformity.

Recreation Development: The draft SMP divides recreation uses into four categories: parks, marinas, yacht clubs and community clubs. The range of activities allowed is reflective of diverse recreational interests with the focus on water-dependent activities. Maintenance and repair of existing facilities is permitted up to an established threshold above which improvements such as compliance with landscape standards, use of light penetrable materials, and visual screening are required. New siting and design standards are intended to limit and mitigate impacts to ecological functions and protect adjacent uses. New recreation uses are subject to a 50-foot shoreline setback from OHWM with specific allowances for development of recreation facilities within the setback including provisions for trails, promenades, viewing platforms, and safety improvements. Construction of new recreation uses may trigger installation of vegetation and landscaping in the required vegetation conservation area. All provisions included in the draft SMP were drafted to ensure consistency with the recently adopted Meydenbauer Bay Park and Land Use Plan.

Transportation Uses: The draft SMP allows new transportation uses in the shoreline subject to the shoreline use charts (LUC 20.25E.030) and subject to a showing that there is no technically feasible alignment or location with less impact on shoreline ecological functions. The showing of feasibility must meet the criteria discussed in this section above under General Requirements, and at LUC 20.25E.060.C in the draft SMP. Once a case is successfully made that the transportation uses are appropriate in the shoreline, projects must be designed to further limit their impacts by staying clear of critical areas and their buffers, aquatic areas, and the shoreline setback and other sensitive areas on the site. Other performance standards include: minimization of disturbance of shoreline features; use of low impact development techniques, minimization of topographic disturbance, and selection of landscaping to enhance public views of the shoreline.

Routine maintenance, repair, and minor expansion of transportation facilities is permitted to the edge of the right-of-way provided that the area of disturbance does not impact critical areas or critical area buffers and shoreline ecological functions are not adversely affected.

Utility Uses: The draft SMP allows new utility uses in the shoreline subject to the shoreline use charts (LUC 20.25E.030) and subject to a showing that there is no technically feasible alignment or location with less impact on shoreline ecological functions. The showing of feasibility must meet the criteria discussed in this section above under General Requirements, and at LUC 20.25E.060.C in the draft SMP. Once a case is successfully made that the utility uses are appropriate in the shoreline, projects must be designed to further limit their impacts by staying clear of critical areas and their buffers, aquatic areas and the shoreline setback and other sensitive areas on the site. Other performance standards include: minimization of disturbance of shoreline features; use of low impact development techniques, minimization of topographic disturbance, and the requirement to incorporate public access consistent with the requirements at LUC 20.25E.060.I.

Routine maintenance, repair is permitted provided the repair is in-kind restoration to a state comparable to the original condition within a reasonable period after decay has occurred. Minor expansions are permitted by up to 20 percent when necessary to comply with a mandated code update, or to accommodate changes in technology, design or maintenance practice, or minor changes in volume from an area served by the specific utility facility or system. (See LUC 20.25E.070.)

Subdivision standards: As part of the 2006 Critical Areas Update, a conservation short plat was added to the subdivision section of the City's Land Use Code. However, it applies only to those sites that abut a critical area of an acre or more, sites that abut known salmon streams, or sites where critical areas abut larger critical areas offsite, or large publically owned land managed for parks use or open space. To ensure no net loss of ecological function in the Shoreline Overlay District, the draft SMP includes some new criteria applicable to subdivisions of more than four lots. Included is a provision for lot clustering, tree retention requirements, dedication of the vegetation conservation area, and shared moorage provisions. These the criteria included in the draft SMP resemble those in the previously required conservation short plat but in the absence of critical areas represent additional protection not previously included in the existing SMP. In addition to the provisions intended to ensure no net loss, compliance with public access standards consistent with state guidelines has been added for subdivisions of more than nice lots.

Public Access: The existing SMP contains policy language supporting improved public access, but this policy language lacks regulatory implementation. Given the emphasis in the Shoreline Management Act and the Guidelines supporting public access to shorelines (see especially Chapter 173-26-221(4) WAC, the draft SMP includes regulations designed to protect, preserve and enhance the public's opportunity to enjoy the physical and aesthetic qualities of the shoreline and the water. These changes result in additional protection of public access not previously existing in the prior regulations. (See 20.25E.060.I for details.) While single-family residences are explicitly exempted in addition to existing subdivisions, the requirement applies to multifamily development or redevelopment of (9 or more units); construction or expansion of transportation and above-ground utility facilities; and, recreation projects that propose new uses or reconstruction or replacement of existing uses. Public access need not be supplied where an applicant can demonstrate one of the following: legitimate safety hazards, environmental impacts, or disproportionate costs.

Restoration Plan: The Guidelines include a requirement for a restoration plan designed, in part, to assist in offsetting long-term cumulative impacts of development in the Shoreline Overlay District and to avoid incremental and unavoidable degradation to shoreline ecological functions. The restoration plan is a new element, not previously included in the existing SMP, and while its force is only felt when implemented, it represents an important planning step to set the stage for potential future restoration of degraded shoreline conditions

VII. COMPREHENSIVE PLAN AMENDMENT DECISION CRITERIA

The decision criteria for a Comprehensive Plan amendment are set forth in the Land Use Code, Section 20.30I.150. Based on the criteria, Development Services Department staff has concluded that the proposed amendment merits recommendation to the City Council. This conclusion is based on the following analysis:

B1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the city, the Countywide Planning Policies (CPP), the Growth Management Act and other applicable law; and

The draft SMP amendment is consistent with the Comprehensive Plan and other goals and policies in these planning documents for shoreline development and environmental protection. The draft SMP is consistent with the overall Comprehensive Plan, including common policy themes, such as encouraging redevelopment and economic development of existing areas, protecting single-family neighborhoods, preserving and enhancing open space, enhancing public access and recreation in the shoreline, and protecting the natural environment. Areas of the specific policy support from some of the individual sections of the Comprehensive Plan are listed below.

Land Use Element

The land use element provides broad support for the concepts included in the draft SMP including support for redevelopment of existing developed areas, the inclusion of residential uses in commercial areas, provision of a range of housing choices, provision of open space, and creation of land use patterns that support walking and public health.

Land use changes affect the entire City, but major impacts are usually borne by residents in the immediate vicinity of a particular project. Policies LU-8, LU-9 and LU-22 address the issue of land use compatibility.

POLICY LU-8. Ensure that commercial land uses are contained within carefully delineated areas.

POLICY LU-9. Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

POLICY LU-22. Protect residential areas from the impacts of non-residential uses of a scale not appropriate to the neighborhood.

Bellevue emphasizes a high quality of life and the creation and fostering of livable neighborhoods that have people coexisting with nature not apart from it. The creation of unique commercial spaces coupled with the provision of parks, open space, recreational opportunities and preservation of trees and wildlife habitat are an important part of creating that quality of life. Policies LU-12 through LU-16 focus on creating the conditions for that quality of life by promoting sensitive site development, the preservation of green space and recreational opportunities throughout the City.

POLICY LU-12. Retain land availability for specific commercial uses which are important to the community.

POLICY LU-13. Reduce the regional consumption of undeveloped land by facilitating redevelopment of existing developed land when appropriate.

POLICY LU-14. Distribute park and recreation opportunities equitably throughout the city.

POLICY LU-15. Encourage dedication of open space and preservation and restoration of trees and vegetation to perpetuate Bellevue's park-like setting and enhance the city's natural environment.

POLICY LU-16. Promote a variety of techniques to preserve open space and key natural features, such as sensitive site planning, conservation easements, and open space taxation.

Housing Element

The Housing Element sets forth the broad policy direction for Bellevue's perspective on housing. The Housing Element establishes five goals and 41 policies that define the City's intent regarding housing. The overall focus is on ensuring stable and healthy neighborhoods, promoting a variety of housing opportunities, addressing affordability and housing for those with special needs. Of the 41 policies, 4 are specifically relevant to analysis of the draft SMP for consistency with the Comprehensive Plan.

Maintaining a focus on creating the ingredients for a high quality of life while being attentive to compatibility between different land uses and densities is a common theme in several housing policies. For example, policies H0-2, HO-3, HO-5 concentrate on promoting quality development while being attentive to compatibility between different land uses and densities.

POLICY HO-2. Promote quality, community-friendly multifamily development, through features such as enhanced open space and pedestrian connectivity.

POLICY HO-3. Refine Land Use Code standards to improve the compatibility of single family infill development with the neighborhood.

POLICY HO-5. Assure that site and building design guidelines create an effective transition between substantially different land uses and densities.

Creative site planning is one of the best means to ensure long-term protection of shoreline ecological functions. Policy HO-18 encourages the use of innovative site planning techniques that cluster density and provide open space like the ones included in the conservation subdivision draft provisions.

POLICY HO-18. Provide opportunities and incentives through the Planned Unit Development (PUD) process for a variety of housing types and site planning techniques that can achieve the maximum housing potential of the site.

Transportation Element

Relevant transportation policies provide support for development of a comprehensive transportation system that provides transportation choices by various modes of travel, including transit, cars, pedestrians and bicycles. Such policies support the policy direction in the draft SMP to provide enhanced opportunities for direct shoreline access and recreation as well as passive view opportunities from transportation corridors.

POLICY TR-1. Integrate land use and transportation decisions to ensure that the transportation system supports the Comprehensive Plan Land Use vision.

POLICY TR-8. Incorporate transit-supportive and pedestrian-friendly design features in new development through the development review process.

POLICY TR-24. Incorporate pedestrian and bicycle facility improvements into roadway projects, and incorporate transit/high-occupancy vehicle improvements where feasible.

POLICY TR-44. Design arterials and streets to fit the character of the areas through which they pass.

POLICY TR-77. Consider pedestrians and bicycles along with other travel modes in all aspects of developing the transportation system.

The Economic Element

The economic element has a section that specifically calls for investment in making Bellevue more livable. The draft SMP supports a key component of economic health by proper attention to environmental impacts and community concerns.

POLICY ED-17. Recognize the economic development benefits of city and private sector investments in urban amenities like arts and culture, open space and recreational facilities, and high quality urban design. Strengthen the city's assets in these areas as an explicit component of the city's economic development strategy.

Environmental Element

The Environmental Element sets forth the broad policy direction for Bellevue's stewardship of nature in an urban context and provides significant policy support to the draft SMP policies and code update. The organizing focus is the realization that the community is fundamentally embedded in a natural environment and the seven major goals and 94 policies work to sustain a quality of life based on integration of the natural and developed environment and preservation and restoration of the functions and values that sustain that system. The key to ensuring that such attention occurs is to ensure that environmental values are integrated into all decision-making processes. The two major goals relevant to the SMP update are:

Goal 1: To integrate the natural and developed environments to create a sustainable urban habitat with clean air and water, habitat for fish and wildlife, and comfortable and secure places for people to live and work.

Goal 2: To promote a sustainable urban environment by weighing environmental concerns in all decision-making processes.

Other goals outline appropriate responses to more specific environmental issues like water quality, vegetation and earth hazard, fish and wildlife habitat, air quality and noise.

A large number of policies are aimed at promoting sustainable practices that conserve materials, energy and natural systems. An important component of fostering these ideas is the consideration of environmental impacts when making a policy or regulatory decision. Because of the focus of this element, virtually all policies can be read to be supportive of the draft SMP; therefore the focus in this section is on those policies that seem most relevant in the SMP update.

POLICY EN-1. Consider the immediate and long-range environmental impacts of policy and regulatory decisions and evaluate those impacts in the context of the City's commitment to provide for public safety, infrastructure, economic development, and a compact Urban Center in a sustainable environment.

POLICY EN-2. Conduct city operations in a manner that provides high quality municipal services to the community while ensuring resource conservation, promoting an environmentally safe workplace for its employees, and minimizing adverse environmental impacts.

POLICY EN-3. Minimize, and where practicable, eliminate the release of substances into the air, water, and soil that may degrade the quality of these resources or contribute to global atmospheric changes.

POLICY EN-4. Encourage the wise use of renewable natural resources and conserve nonrenewable natural resources.

The next group of polices, policies EN-7 through EN-15, focus on planning and regulatory issues, including the need to utilize the best scientific information in an ongoing adaptive management approach to preserve or enhance functions and values of critical areas like wetlands, streams, earth hazards, and floodplains. The need for both a prescriptive regulatory approach and a programmatic, science-based alternative (or off ramp) is outlined here too. As described in Policy EN-14, the need for ongoing adaptive management based on a foundation of monitoring and scientific study is an important component of the overall strategy. Policy EN-13 gives prominence to science-based mitigation for adverse impacts while Policy EN-15 recognizes the watershed scale in which regulatory actions need to fit to be effective. (Note term "protection zone" used below refers to an area dedicated to protection critical areas functions and values. The policies anticipated a combination of buffers and setbacks with differing intensities of protection and allowed development.)

POLICY EN-7. Promote growth management strategies that protect air, water, land, and energy resources consistent with Bellevue's role in the regional plan to contain an Urban Center.

POLICY EN-8. Provide regional leadership on environmental issues that extend beyond Bellevue's boundaries and require regional cooperation.

POLICY EN-9. Promote and lead education and involvement programs to raise the public awareness about environmental issues, advocate respect for the environment, and demonstrate how individual actions and the cumulative effects of a community's actions can create significant improvements to the environment.

POLICY EN-10. Utilize the best scientific information available in an adaptive management approach to preserve or enhance the functions and values of critical areas through regulations, programs, and incentives.

POLICY EN-11. Utilize prescriptive development regulations for critical areas based on the type of critical area, and the functions to be protected; and as an alternative to the prescriptive regulations, allow for a site specific or programmatic critical areas study to provide a science-based approach to development that will achieve an equal or better result for the critical area functions.

POLICY EN-12. Recognize critical area function in preparing programs and land use regulations to protect critical areas and to mitigate the lost function due to unavoidable impacts.

POLICY EN-13. Utilize science based mitigation for unavoidable adverse impacts to critical areas to protect overall critical areas function in the watershed.

POLICY EN-14. Implement monitoring and adaptive management plans for critical areas mitigation projects to ensure that the intended functions are maintained or enhanced over time.

POLICY EN-15. Integrate site-specific development standards with urban watershed-scale approaches to managing and protecting the functions of critical areas.

POLICY EN-16. Facilitate the transfer of development potential away from critical areas and the clustering of development on the least sensitive portion of a site.

POLICY EN-17. Establish land use regulations that limit the amount of impervious surface area in new development and redevelopment citywide.

Policies EN-18 through EN-22 stress the importance of incentives to ensure long-term success in protecting critical areas. The draft SMP utilizes incentives to allow applicants to deviate from prescriptive standards consistent with this policy direction.

POLICY EN-18. Implement land use incentives to minimize the amount of impervious surface area below that allowed through prescriptive standards, in new development, redevelopment, and existing development city-wide.

POLICY EN-19. Provide incentives to private property owners to achieve specific habitat improvement goals, including retention and enhancement of native vegetation.

POLICY EN-20. Encourage property owners to incorporate suitable indigenous plants in critical areas and buffers, consistent with the site's habitat type and successional stage.

POLICY EN-21. Reduce or eliminate regulatory barriers to protecting and enhancing critical areas.

POLICY EN-22. Develop partnerships with land conservation organizations to acquire critical areas and buffers to protect and restore critical areas functions.

Policies EN-23 and EN-24 work to focus acquisition efforts on those properties possessing habitat that is most sensitive to urbanization or where critical area functions are largely intact. The draft SMP creates no barriers to these acquisition strategies and suggests that they should continue.

POLICY EN-23. Explore opportunities for public acquisition and management of key critical areas of valuable natural and aesthetic resources, and fish and wildlife habitat sensitive to urbanization through a variety of land acquisition tools such as conservation easements and fee-simple purchase.

POLICY EN-24. Prioritize efforts to preserve or enhance fish and wildlife habitat through regulations and public investments in critical areas with largely intact functions and in degraded areas where there is a significant potential for restoring functions.

In many cases, existing single-family residential development already intrudes into existing buffers from critical areas. Policies EN-25 and EN-26 address how expansion of these structures can occur in critical areas. Such policies underlay the approach in the draft SMP to exempt footprints of existing primary structures from setback requirements in most cases.

POLICY EN-25. Provide for limited building footprint expansion options for existing single- family structures in the Protection Zone only in a manner that does not degrade critical area functions.

POLICY EN-26. Require mitigation proportional to any adverse environmental impacts from development or redevelopment in the Protection Zone.

The next group of policies addresses a variety of issues from low impact development to prioritization of public projects to improve habitat. Such policies give support to the draft SMP's inclusion of a Restoration Plan in the draft SMP.

POLICY EN-27. Implement the citywide use of low impact development techniques and green building practices that provide benefits to critical areas functions.

POLICY EN-28. Utilize best management practices and technology in city projects to demonstrate effective environmental stewardship and long-term fiscal responsibility.

POLICY EN-29. Recognize and support the broad benefits and educational value of public access to critical areas and appropriate low-impact uses such as trails.

POLICY EN-30. Identify, prioritize and implement public projects to improve habitat.

POLICY EN-31. Pursue grants to support habitat improvement projects.

For a long time Bellevue has pursued a strategy of retaining open streams in as natural a state as possible while working to restore conditions that are degraded. Policy EN-32 provides the

underlying support for this policy approach. Policies EN-33 through EN-41 address issues associated with water quality, water quantity and preservation and restoration of fish and wildlife habitat. Many of the policies are to be applied watershed wide and some are focused on proactive steps Bellevue might take to correct past problems in an effort to enhance water quality and habitat. Such policies are supportive the focus in the draft SMP on ensuring no net loss of ecological functions. Note also specific support for protecting the 100-year flood plain.

POLICY EN-32. Retain existing open surface water systems in a natural state and restore conditions that have become degraded.

POLICY EN-33. Maintain surface water quality, defined as meeting federal and state standards and restore surface water that has become degraded, to the maximum extent practicable.

POLICY EN-34. Monitor surface water quality and implement measures to identify and address the sources of contamination.

POLICY EN-35. Employ the best management practices and technology, education, and enforcement strategies to minimize non-point source pollution.

POLICY EN-36. Retrofit public storm drainage systems and prioritize investments where there is a significant potential for restoring surface water quality important to preserving or enhancing aquatic life.

POLICY EN-37. Reduce runoff from streets, parking lots and other impervious surfaces and improve surface water quality by utilizing low impact development techniques in new development and redevelopment.

POLICY EN-38. Restore and protect the biological health and diversity of the Lake Washington and Lake Sammamish watersheds in Bellevue's jurisdiction.

POLICY EN-39. Restrict the runoff rate, volume, and quality to predevelopment levels for all new development and redevelopment.

POLICY EN-40. Preserve and maintain the 100-year floodplain in a natural and undeveloped state, and restore conditions that have become degraded.

POLICY EN-41. Preserve and maintain fish and wildlife habitat conservation areas and wetlands in a natural state and restore similar areas that have become degraded.

Promoting slope stability and preserving the forested character of Bellevue has been a long-term policy goal of the City. Policies EN-44, EN-45, EN-48, EN-49 and EN-50 focus on preserving or enhancing slope stability and native vegetation. Policies EN-51 through EN-58 guide the regulatory environment for steep slopes and related hazards. The draft SMP relies on the critical areas regulations derived from these policies for regulation of the steep slopes and geohazards when located within Shoreline jurisdiction.

POLICY EN-44. Regulate land use and development to protect natural topographic, geologic, vegetational, and hydrological features.

POLICY EN-45. Protect geologically hazardous areas, especially forested steep slopes, recognizing that these areas provide multiple critical areas functions.

POLICY EN-48. Promote soil stability and the use of the natural drainage system by retaining critical areas of existing native vegetation.

POLICY EN-49. Preserve existing vegetation or provide or enhance vegetation that is compatible with the natural character of Bellevue.

POLICY EN-50. Prohibit development on unstable land and restrict development on potentially unstable land to ensure public safety and conformity with natural constraints.

POLICY EN-51. Require an analysis of soil liquefaction potential, where appropriate, in the siting and design of structures and infrastructure.

POLICY EN-52. Utilize geotechnical information and an analysis of critical areas functions and values to evaluate the geologic and environmental risks of potential development on slopes between 15% and 40%, and implement appropriate controls on development.

POLICY EN-53. Require a structure setback from the top and the toe of a steep slope (40%+) to protect public safety.

POLICY EN-55. Minimize and control soil erosion during and after development through the use of the best available technology and other development restrictions.

POLICY EN-56. Allow land alteration only for approved development proposals.

This next set of policies provides the direction for preserving fish and wildlife habitat in the City. Designated fish and wildlife habitat conservation areas in Bellevue include riparian corridors, wetlands, naturally occurring ponds, lakes and shorelines, and steep slopes over 40 percent. Other lands may be given special consideration for fish and wildlife habitat if there is a primary association with an endangered, threatened, or sensitive species or species of local interest. Since such fish and wildlife habitat exists on Bellevue's shorelines, these policies support the emphasis of the draft SMP on shoreline ecological functions.

POLICY EN-59. Manage aquatic habitats, including shoreline and riparian (streamside) habitats, to preserve and enhance their natural functions of providing fish and wildlife habitat and protecting water quality.

POLICY EN-61. Give special consideration to conservation or protection measures necessary to preserve or enhance anadromous salmonids, recognizing that requirements will vary depending on the aquatic resources involved, including differing stream classification, and that additional efforts may be identified in the regional salmon recovery planning process.

POLICY EN-62. Prohibit creating new fish passage barriers and remove existing artificial fish passage barriers in accordance with applicable state law regarding water crossing structures.

POLICY EN-63. Require and provide incentives for the opening of piped stream segments during redevelopment where scientific analysis demonstrates that substantial habitat function can be restored, and where the cost of restoration is not disproportionate to the community and environmental benefit.

POLICY EN-64. Preserve and enhance native vegetation in the Protection Zone and integrate suitable native plants in urban landscape development.

POLICY EN-65. Improve wildlife habitat especially in patches and linkages by enhancing vegetation composition and structure, and incorporating indigenous plant species compatible with the site.

POLICY EN-66. Minimize habitat fragmentation, especially along existing linkages and in patches of native habitat.

POLICY EN-67. Preserve a proportion of the significant trees throughout the city in order to sustain fish and wildlife habitat.

POLICY EN-68. Encourage residents and professional landscaping firms to utilize native plants in residential and commercial landscapes.

POLICY EN-69. Promote urban backyard wildlife habitat programs, and support "certification" of community and private backyard wildlife habitats.

POLICY EN-70. Develop and support additional habitat enhancement demonstration projects.

POLICY EN-71. Protect wildlife corridors in subdivisions, plats, and city projects.

POLICY EN-72. Develop programs and regulations acknowledging that designated critical areas such as wetlands, shorelines, riparian corridors, floodplains, and steep slopes provide multiple functions including fish and wildlife habitat.

POLICY EN-73. Utilize studies and management recommendations to protect important wildlife habitat characteristics on land that is not a designated critical area.

POLICY EN-74. Obtain, for protection and restoration, areas that are sensitive to urbanization, represent valuable natural and aesthetic resources to the community, or provide the functions of critical areas that benefit the community's environment.

POLICY EN-75. Manage fish and wildlife habitat conservation areas to protect overall habitat functions and values (food, water, cover, space), except where a "special status species" requires targeted habitat management.

POLICY EN-76. Rely on federal, state, and county agencies to identify "special status" wildlife species, but allow for a process to identify species of local importance to Bellevue.

POLICY EN-77. Manage naturally occurring ponds to provide fish and wildlife habitat, promote
good water quality, and control invasive aquatic plants.

Parks, Open Space and Recreation Element

The Parks Element sets forth the broad policy direction for Bellevue's stewardship Bellevue's existing parks and provides the policy underpinning for future acquisition. Several policies are relevant to the draft SMP. The focus is on acquisition sufficient to ensure parks resources are available as the City continues to grow. Parks policies are aimed at creating a range of park opportunities to sustain Bellevue's quality of life. Specific to the draft SMP, there are several policies having to do with coordinated park planning, sensitivity to uses within natural areas and providing additional public access to Lake Washington and Lake Sammamish while ensuring continued recreation opportunities within the City-owned open space system.

POLICY PA-6. Obtain, for preservation, natural areas that are sensitive to urbanization or represent a valuable natural and aesthetic resource to the community.

POLICY PA-7. Provide additional public access to Lakes Washington and Sammamish.

POLICY PA-12. Determine the appropriate uses within natural areas based on the environmental sensitivity of the site.

POLICY PA-30. Design, construct, operate, and maintain parklands and facilities to preserve the ecology of natural systems of parklands.

POLICY PA-32. Conserve energy, water , and other natural resources, and practice efficient and environmentally responsible maintenance and operation procedures.

Growth Management Act

The draft SMP is consistent with the Growth Management Act (GMA) planning goals. The draft SMP includes a complete integration of both state shoreline (Chapter 90.58 RCW) and local project review (Chapter 36.70B RCW) procedures. This approach ensures permit processing rules for projects located within shoreline jurisdiction are included in a single code, are integrated to proactively avoid conflicts between state shoreline procedures and Bellevue land use code procedures, and are clear and predictable.

This approach adds additional sections to the draft SMP procedural provisions, in order to avoid the need for applicants to understand and navigate both local and state permit approval processes, in an effort to save applicants time and money associated with permit review. Streamlined and integrated process provisions such as those included in the draft SMP, also protect property rights by helping to ensure that similarly situated landowners are treated fairly and consistently. This integration approach has been a hallmark of Bellevue's

regulatory reform efforts that originally began with the adoption of well defined land use procedures in 1995. This clarity of definition and regulatory certainty is now being carried forward to the shoreline jurisdiction with the adoption of well defined shoreline permit procedures. Refer to LUC 20.25E.100 through 20.25E.200.

The draft SMP is also intended to meet state shoreline update guidelines while continuing to protect the natural environment as envisioned when the City adopted its Critical Areas Update in 2006 in response to state mandate. Lakes Sammamish and Washington are both identified as critical areas consistent with state guidelines due to the presence of threatened species that inhabit these lakes. Using best available science, no-touch buffers of varying widths were identified as one of the regulatory tools fundamental to the protection of identified critical areas. With the mandate to update local SMPs, inherent conflicts between the protections traditionally afforded to critical areas under GMA, and the public access and recreation goals of the SMA, were identified in the Bellevue policies and codes. The draft SMP seeks to reconcile these conflicts by recognizing that recreational use components are appropriate at the aquatic/terrestrial interface in the area that was previously designated as a no-touch buffer under the critical areas ordinance.

Countywide Planning Policies

Countywide Planning Policies for King County are organized by topics in nine separate chapters. The framework policies in each chapter are implemented through local plans and regulations. Evidence of the consistency of the proposal with the framework policies is as follows:

- **Critical Areas:** The draft SMP will not affect the implementation of regulations dealing with critical areas located within shoreline jurisdiction. Proposed incentives will help protect and restore area located at the aquatic and terrestrial interface.
- **Land Use Pattern:** The draft SMP proposal is consistent with the implementation of the desired land use pattern by maintaining the opportunity to optimize urban levels of development where urban services are available.
- **Transportation:** The draft SMP encourages enhanced connections between regional trails, shoreline access areas and city parks.
- **Community Character and Open Space:** The draft SMP will not affect the implementation of regulations dealing with historic resources. The draft SMP will advance "City in a Park" goals that foster community character by fostering shoreline recreation uses that are consistent with the community vision.
- **Affordable Housing: Not applicable** to this proposal.
- **Contiguous and Orderly Development and Provision of Urban Services to Such Development:** Not applicable to this proposal.
- **Siting Public Capital Facilities of a Countywide or Statewide Nature**: The draft SMP does not preclude siting of such facilities provided there is no technically feasible alternative.
- **Economic Development:** The draft SMP supports reinvestment through clear identification of maintenance and repair standars, and by providing opportunities for modifications and expansions of existing development.
- **Regional Finance and Governance:** *Not applicable to this proposal.*

B2. **The proposed amendment addresses *the interests and changed needs* of the entire city as identified in its long-range planning and policy documents; and**

The draft SMP addresses the interests and changed needs of the entire City. The City and the State of Washington have an overriding interest in maintaining the ecological health and recreation opportunity afforded by Bellevue's shoreline lakes and wetlands. The City also has an interest in planning for appropriate development and redevelopment of these areas and ensuring that any new uses are sensitive to neighborhood context and shoreline ecology.

B3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 [below] for the definition of "significantly changed conditions;" and

> **Significantly changed conditions are defined as:** Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. *This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046).*
>
> The draft SMP addresses the significant changes affecting Bellevue's shoreline jurisdiction since it adopted its first SMP in 1974. Components of the first SMP included Comprehensive Plan policies under the Shoreline Element and development regulations in Parts 20.25E (Shoreline Overlay District).
>
> In the intervening years since the first adoption, the SMP has not been substantially updated and now the state is requiring that Bellevue revise its SMP to bring it into compliance with state law. It lacks a number of required components and is not aligned with current scientific information relevant to protecting shoreline functions and values. These gaps, combined with a lack of detailed performance standards aimed at guaranteeing use priority and public access, dictated that the City update its SMP in a manner consistent with the procedural and substantive requirements of the SMA and its implementing rules, including WAC 173-26, Shoreline Master Program Guidelines (2003 Guidelines). Some gaps, however, were closed with the City's update of its critical areas ordinance in 2006. Changes made then provided partial protection to some critical shoreline resources via critical area buffers and significantly revised dock and bulkhead standards.

B.4 If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and

N/A

B5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the city.

The draft SMP seeks to enhance the economic and ecological vitality of the Bellevue's shorelines by including predictable and flexible regulations for repair and maintenance of existing structures, and development or redevelopment of new structures, while complying with the requirements imposed by the State Department of Ecology to update the City's 1974 SMP to better protect aquatic habitat by complying with the shoreline Guidelines.

VIII. LAND USE CODE AMENDMENT DECISION CRITERIA

The decision criteria for an amendment to the text of the Land Use Code and legislative map amendments are set forth in the Land Use Code, Section 20.30J.135. Based on the criteria, Development Services Department staff has concluded that the draft SMP merits **recommendation to the City Council**. This conclusion is based on the following analysis:

A. The amendment is consistent with the Comprehensive Plan; and

The Land Use Code amendments in the draft SMP are the means to implement the draft Shoreline policies and existing environmental policies specific to the shoreline. The Code amendments are consistent with the Comprehensive Plan as outlined in detail above.

B. The amendment enhances the public health, safety or welfare; and

The Land Use Code amendments in the draft SMP enhance the public health, safety and welfare by implementing regulations that achieve no net loss of shoreline ecological function while being attentive to the recreational focus that makes shoreline living so enjoyable. Additional attention to creation of shoreline environments, detailed uses charts, enhanced public access, update administrative procedures, and a comprehensive restoration plan similarly enhance the public health, safety and welfare.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

The draft SMP provides additional tools to shoreline property owners to protect or enhance shoreline resources while at the same time enjoying their benefits. Compared with current code, the changes incorporated in the draft SMP enhance flexibility and choice while ensuring that shoreline is adequately protected. Examples include: a prescriptive option menu for setback reduction—allowable only with a critical areas report under current code; recognition that a recreational use component is appropriate in what was previously designated as no touch shoreline buffer; options for managing shoreline vegetation; user-configurable moorage; enhanced repair options for stabilization; and a wide range of "allowances" for which mitigation is not required. In addition, a "shorelines special report" process is included in the draft SMP to recognize that the prescriptive regulations should not be the only choice in an area with significant existing development and highly modified shorelines.

IX. STATE ENVIRONMENTAL POLICY ACT

A Determination of Nonsignificance and adoption of 2005 Critical Areas EIS was issued by the City of Bellevue on May 5, 2011. The DNS compared the impacts of the draft SMP with the current critical areas regulation currently in place on the shoreline and concluded that on balance the draft SMP was similar in its ability to protect Bellevue's shoreline jurisdiction against no net loss of ecological function even though additional flexibility was provided for repair, maintenance, expansion and redevelopment of existing structures.

X. PUBLIC NOTICE AND COMMENT

Notice of the application and public hearing, together with information on how to obtain a copy of the draft SMP, was published in the Weekly Permit Bulletin on April 14, 2011.

Release of the draft SMP in preparation for a public hearing before the Planning Commission follows more than two-and-half year public process beginning with a boat tour of Bellevue's Lake Washington shoreline hosted by the Planning Commission in the fall of 2008. Over the next two-and-half years, staff held three open houses, conducted a statistically valid telephone survey, carried out two focus groups, met separately with 40 interest groups or individuals, held 30 study sessions with the Planning Commission, of which 6 were dedicated to science briefings, and met 8 times with the EBCC, the Parks Board and the Environmental Services Commission. To this effort there has been a substantial attempt to keep the community informed via articles in It's Your City, Neighborhood News, mailed and emailed notices, project website updates, shoreline blog, Facebook posting and project notice signs. To this was added three specialized informational trips and interviews at a selection of local marinas.

The draft SMP analyzed in this staff report was drafted in response to direction from the Planning Commission and feedback received from the public. The Planning Commission will hold a public hearing May 25, 2011. Additional public hearings may be required before the Planning Commission makes its recommendation to the Council if provisions included in the final recommendation should not have been reasonably foreseen from the draft SMP. Once Council completes its process and adopts the draft SMP, the Washington State Department of Ecology will review the draft SMP for conformance with state law requirements, and hold a public hearing on the SMP. If necessary, an iterative process may ensue between Ecology and the City to finalize the SMP for Ecology's approval. Comments from those engagements will be made available, along with other comments received prior to or at the hearing, to the Planning Commission for its consideration.

A courtesy hearing with the East Bellevue Community Council (EBCC) on those amendments with EBCC jurisdiction and a general briefing to the EBCC on the entire set of Draft SMP amendments was held on May 3, 2011. The proposed amendments to the LUC are within the jurisdiction of the East Bellevue Community Council. Staff provided the EBCC with an update on the SMP process on June 2, 2009. A courtesy hearing was held before EBCC at their regular meeting on May 3, 2011. Notice of the courtesy hearing was published on April 22, 2011. T

The EBCC received no public comment regarding the draft SMP and the EBCC voiced no concerns regarding the draft. Comments received after release of the staff report will be forwarded to the Planning Commission before the public hearing. Staff will return to the EBCC for a final hearing on the draft SMP LUC amendments once Council has adopted the proposed amendments.

It is important to note that all areas of shoreline jurisdiction located within the boundary of the EBCC and identified as wetland are also regulated under the City's Critical Area Overlay District (Part 20.25H LUC). Most private property owners will not be affected by the SMP Update, except that in limited circumstances a shoreline substantial development permit may be required when pursuing development activity within a wetland associated with shoreline jurisdiction. In all cases within the EBCC jurisdiction wetlands are protected through the Critical Areas Overlay District by buffers that exceed the limits of the shoreline jurisdiction.

XI. NEXT STEPS

We request the Planning Commission to conduct and close the public hearing at its regular meeting on May 25, 2011, discuss the proposal, and ask questions of staff. It is anticipated that the Commission will continue its review, deliberation, and refinement of the proposals at additional meetings following the public hearing, and will make a recommendation to the City Council later this year.

XII. ATTACHMENTS

1. Jurisdictional Comparison of draft SMP provisions
2. Potential No Net Loss Indicators for Shoreline Master Programs
3. SEPA Documents

<table>
<tr><th></th><th>City of Bellevue- Draft</th><th>Kirkland (approved by DOE)</th><th>Renton (DOE Hearing)</th><th>Redmond (approved by DOE)</th></tr>
<tr><td>Shoreline setback or buffer</td><td>Lake WA, Sammamish, Phantom Lake, & Mercer Slough/Kelsey Creek
50’

Newport Shores Canals
25’

<u>Options to move closer</u>:
Exceptions-
• Footprint exception
Prescriptive-
• Menu options to 25’
Administrative-
• Shoreline Special Report (SSR)
• Variance beyond 25’</td><td>Residential-Low
30% of the average parcel depth, (no less than 30’ or no greater than 60’)
Residential-Med/High
The greater of:
25’ or 15% of the average parcel depth

<u>Options to move closer</u>:
Menu of options to reduce setback
Variance</td><td>Single-Family Setbacks and Buffers-
Variable based on lot depth
<table><tr><th>Lot Depth</th><th>Building Setback</th><th>Vegetated Buffer</th></tr><tr><td>>130’</td><td>45’</td><td>20’</td></tr><tr><td>100-130’</td><td>35’</td><td>15’</td></tr><tr><td>100’</td><td>25’</td><td>10’</td></tr></table><u>Options to move closer</u>:
Prescriptive mitigation options or alternate mitigation proposed by qualified professional
Variance</td><td>Lake Sammamish
35’

<u>Options to move closer</u>:
Reduce by 15’ if 20’ setback area revegetated with primarily native vegetation. Establishment of a tree canopy is encouraged.
Variance beyond 20’.</td></tr>
<tr><td>Vegetation Conservation</td><td>No frontyard greenspace requirement (required for properties outside shoreline jurisdiction)
Vegetation conservation area- all native vegetation and significant trees preserved. Removal permitted up to 40% of dimension but must be replaced.

Within setback and shoreline jurisdiction- tree preservation standards apply.</td><td>Trees w/in setback must be preserved

Plant native vegetation in 75% of the nearshore area- (10-15 feet in width)</td><td>Vegetation Conservation buffer- variable 10-20’

Preserve vegetation in buffer and all new residential required to plant full required Vegetation Conservation buffer.</td><td>Trees within building setback must be maintained.

Site tree retention standards.</td></tr>
<tr><td>Residential Docks</td><td>New construction standards:
Length- 150’
Side setback-10 feet.
Walkway width- 4’
Moorage platform-
Flexible moorage platform configuration – no restriction on moorage platform design.
Maximum sq. ft:
Lake WA 350 sq. ft.
Lake Samm. 250 sq. ft.
Boat lift-
2 boatlifts, or
4 watercraft lifts, or
1 boatlift and 2 watercraft lift. Fabric canopy cover for 1 boat lift.

Boat houses-Prohibited
Mitigation: Options to choose from:</td><td>New Construction standards:
Length- 150’
Side setback-
Maximum Area-
480 sq. ft. for single property owner
700 sq. ft. for joint-use facility (2 Residential owners)
1000 sq. ft. for joint-use facility (3 or more residential owners
Walkway width- 4’
Ell- max 26’x 6’
Finger- 20’ x 2’
Boat lift-
1 free-standing or deck-mounted boatlift
2 jet ski lifts or 1 fully grated platform lift 1 boatlift canopy-translucent fabric materials
Boat houses-Prohibited</td><td>New Construction Standards:
Length- 80’ (or until a depth of 10’ at ordinary low water.
Side setback- 5’
Width- 6’
Ell size- Max 26’ x 6’
Additional Fingers- max 26’ x 2’
Boat lifts-all lifts are placed as far waterward as feasible and safe; platform lifts are fully grated. Covered moorage is not allowed on any moorage facility unless translucent materials
Boat houses-Prohibited
Mitigation: Not specified

Repair Standards:
When 30% of surface materials are replaced, light penetrating materials (such as grating) must be used.
Reconfiguring of dock shape, moving of dock</td><td>New Construction Standards:
Length- The lesser 80 feet, or a length necessary to reach a water depth at the end of the pier of 13 feet below ordinary
Maximum Areas- 480 sq. ft.
Side setback- No pier or dock located closer than 25' from another pier or dock or the maximum distance possible from any adjacent dock or pier, whichever is less. The minimum setback from any side property line is ten feet.
Walkway width- 4’
Finger piers supported by pilings are prohibited. Finger floats or docks are allowed
Moorage platform-Pier platforms shall be designed and located to</td></tr>
</table>

	City of Bellevue- Draft	Kirkland (approved by DOE)	Renton (DOE Hearing)	Redmond (approved by DOE)
	• Vegetation along shore • Augment beach with gravel/sand and emergent vegetation • Replace hard armoring with soft • Plant double the required vegetation in alternate location **Repair Standards**: Replacement of decking, substructure (stringers and joists), and up to 50% of existing piling allowed. 100% of existing piling may be repaired by capping or splicing the pile base. Departure from prescriptive standard allowed through shoreline special report.	**Mitigation**: existing in-water and overwater structures shall be removed Emergent vegetation required. Native riparian vegetation shall be planted in at least 75 percent of the nearshore (10' width). Mixture of trees, shrubs and groundcover and be designed to improve habitat functions. At least three (3) trees per 100 linear feet of shoreline and 60% shrubs must be included in the plan. Maintenance/monitoring 5 yrs. Woody debris existing on-site or contributed to the site as part of the mitigation efforts not be removed. **Repair Standards**: Replacement of 50 percent or more of the decking or 50 percent or more of decking substructure. Must replace any solid decking surface located within the nearshore 30 ft. of the pier or dock with a grated surface material that allows a minimum of 40% light transmittance through the material. Replacement of entire existing pier or dock, including piles OR more than 50 percent of the pier-support piles and more than 50 percent of the decking or decking substructure (e.g. stringers)- Must meet the dimensional decking and design standards for new piers (mitigation required)	any distance or replacing more than 50% piling- requires compliance with new construction standards. When the existing dock/pier is moved or expanded or the shape reconfigured, the entire structure shall be replaced in compliance with these regulations.	avoid or reduce shallow water (less than nine feet deep) shading. **Piling**-steel pin pilings **Decking**-50% light passage **Boat lift**- Number not specified Height limit of four feet above OHWM. **Boat houses**-Prohibited **Mitigation**: None specified Variance to deviate from standard. **Repair Standards**: Non-conforming structures may be maintained and repaired and may be enlarged or expanded provided said enlargement does not extend the structure closer to the shoreline.
Shoreline Stabilization	**New Construction Standards**: Preference for avoidance and "soft" stabilization; hard stabilization is an option only when soft options are not technically feasible or the structure to be protected is so near (less than 10 feet) to OHWM. Repair Standards: Allowed to repair up to 50 percent of the structure's	**New Construction Standards**: Nonstructural methods preferred, but if there is a demonstrated need for a structural stabilization measure to protect primary structure, then soft structural stabilization must be considered prior to hard structural stabilization. When existing primary structure is greater than 10 ft. from OHWM, requires geotechnical report to show need, an evaluation	**New Construction Standards**: Preference for avoidance. Structural shoreline stabilization measures should be used only when more natural, flexible, non-structural methods such as vegetative stabilization, beach nourishment and bioengineering have been determined infeasible. **Repair Standards**: An existing shoreline stabilization structure may be repaired as	**New Construction Standards**: New and replacement shoreline structures not allowed: (a) A hydraulic analysis prepared by a licensed professional engineer demonstrates that shoreline stabilization is necessary to prevent damage to or loss of the following facilities, due to erosion or wave action, and no practicable alternative exists:

	City of Bellevue- Draft	Kirkland (approved by DOE)	Renton (DOE Hearing)	Redmond (approved by DOE)
	linear length over a three year period. Major Repair: Reconstruction exceeds 50 percent of the structure's linear length over a three year period, new stabilization measures apply, except that major repair of a legally-established stabilization is presumed necessary—and the feasibility test required to establish whether or not stabilization is necessary is not required. Where replacement of hard stabilization with soft stabilization moves the OHWM, applicable structure setbacks may be measured from the previously determined OHWM.	of the feasibility of soft rather than hard structural shoreline stabilization measures and design recommendations for minimizing structural shoreline measures. Requires mitigation plantings **Repair Standards**: A major repair is a collapsed or eroded structure or a demonstrated loss of structural integrity, or repair of toe rock or footings; and is more than 50% in continuous linear length; or more than 75% of the linear length of structure that involves replacement of top or middle course rocks or other similar repair Allowed when existing primary structure is 10 ft. or less from OHWM For existing primary structure is more than 10 ft. from the OHWM, requires a written narrative that provides a demonstration of need	long as it serves to perform a shoreline stabilization function for a legally established land use. Waterward replacement of stabilization prohibited for structures protecting residences. Additions to or increases in size of existing shoreline stabilization measures considered new structures.	(i) Existing structures, where the structure is a single-family residence or where the fair market value of the structure to be protected equals or exceeds the construction cost of the shoreline protective structure; (ii) Existing private roads and bridges; (iii) Public roads and bridges; (iv) Public Shoreline access facilities; or (v) Raw land/property. Stabilization cannot be located in salmon and steelhead spawning areas or freshwater clam beds, except under the following circumstances: (a) A hydraulic analysis demonstrates that the protective structure will have no adverse impacts on long-term stream or lake hydraulics affecting salmon and steelhead spawning areas or freshwater clam beds; (b) A biological inventory and analysis demonstrates that impacts to salmonids and freshwater clams are negligible; and (c) For non-structural solutions, the proposed measures are necessary to protect or rehabilitate eroding shorelines, and are designed to protect or restore water quality and aquatic habitat. Not allowed when: (a) Increased or expanded residential development in undeveloped areas of the floodplain or upland of ecologically intact shorelines; (b) Creation of dry land waterward of the ordinary high water mark of a lake, stream or wetland; (c) Loss of significant flood storage capacity in the floodplain; or (d) Deflection or constriction of flood flows

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				Structural solutions to stabilize or reinforce shorelines unless it is demonstrated that planting of vegetation, biotechnical measures, relocation or re-design of affected structures, or other nonstructural solutions are infeasible or ineffective in preventing or correcting significant erosion. Applies to new, replacement, repaired and emergency protective structures. Replacement or repair of bulkheads shall not be allowed except where it can be demonstrated that replacement with a non-structural solution is ineffective or infeasible.
Public Access	Required for: • Subdivisions or Planned Unit Developments consisting of 9 or more new lots or dwelling units, or reconstruction or replacement of more than 9 single-family dwelling units in a subdivision or PUD; • Multifamily projects consisting of 9 or more new dwelling units, or the reconstruction or replacement 9 or more existing dwelling units in a multifamily project; • Transportation use and above-grade utility use projects that propose new uses or the reconstruction or replacement of structures supporting existing uses; and • Recreation use projects that propose new uses or the reconstruction or replacement of existing uses. Community access required for Short subdivisions or Planned Unit Developments of less than 9 residential lots or dwelling units	Required for: Public entities, such as government facilities and public parks; or Divisions of land containing five (5) or more new lots located within the shoreline jurisdiction.	Required for: • Water-dependent uses and developments • Non-water-dependent development and uses • Developments of ten (10) or more single-family residential lots or single-family dwelling units, including subdivision • Developments of more than four (4), but less than ten (10) single-family residential lots or single-family dwelling units, are required to provide community access. • Development of any non-single family residential development or use • Use of public aquatic lands, except as related to single-family residential use of the shoreline. • Publicly financed or subsidized flood control or shoreline stabilization shall not restrict public access to the shoreline and shall include provisions for new public access to the maximum extent feasible. • Public access provided by shoreline street ends, public utilities, and rights of way shall not be diminished by any public or private development or use	Required for: More than ten (10) new dwelling units will be constructed or renovated; Subdivision greater than ten (10) lots; The value of a proposed re-development of non-residential structures and improvements is greater than 25% of the assessed value of existing site improvements. Private access- required for residential developments of ten (10) or fewer dwelling units or lots. Shorelines Public Access System map prepared.

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Marina standards	**New Marina permitted**: Conditional Use or Permitted through Parks Master Plan-Recreation Boating New siting and design standards are intended to limit and mitigate impacts to ecological functions and protect adjacent uses. Minor expansion (<20%) allowed when expansion is in compliance with new standards. **Repair Standards**: Maintenance and repair is allowed when: - It does not include expansion or reconfiguration of facility components; and - Is the minimum necessary to restore facility to its original design condition and capacity; and - Prescribed mitigation is included in the design (use of light penetrable materials) or alternative mitigation is proposed.	**New Marina Permitted:** Conditional Use- Urban Conservancy Allowed- Residential-M/H and Urban Mixed Prohibited- Natural, Residential- L Moorage structures shall not be larger than is necessary to provide safe and reasonable moorage for the boats to be moored. Specific dimensions limit configuration and overall size. Enlarged portions must comply with the new pier dimensional standards for pier or dock length and width, height, water depth, location, decking and pilings and for materials Mitigation required. Repair proposals that replace only decking or decking substructure and less than 50 percent of the existing pier-support piles require material change, grating and translucent roof change.	Marinas on Lake Washington shall be permitted only when: • Detailed analysis of ecological conditions demonstrate that they will not result in • a net loss of ecological functions and specifically will not interfere with natural geomorphic processes including delta formation, or adversely affect native and anadromous fish. • Future dredging is not required to accommodate navigability. • Adequate on-site parking is available. • Parking areas not associated with loading areas shall be sited as far as feasible from the water's edge and outside of vegetated buffers. • Adequate water area is available commensurate with the actual moorage facilities provided. • The location of the moorage facilities is adequately served by public roads. New covered moorage for boat storage is prohibited.	Prohibited use.
Nonconformities	Residential Standard: Allow routine maintenance and repair of structures up to 50% of replacement value over 3 year period. Structures located in vegetation conservation setback are nonconforming and those accessory structures greater than 200 square feet located in the shoreline setback.	**Nonconforming Shoreline Setback Vegetation:** Must be brought into conformance when the cost of which exceeds 50 percent of the replacement cost of all structures on the subject property. **Nonconforming structures**: Legally established nonconforming structures may be maintained, altered, remodeled, repaired and continued; provide that nonconforming structures cannot be enlarged, intensified, increased, or altered in any way that increases the nonconformity. Accessory structures within the shoreline setback, must be brought into conformance if the applicant is	Partial compliance standard for alterations of an existing structure that do not meet setback standards.	Nonconforming structure may not be expanded or altered so as to increase nonconformity. Nonconforming structures may be maintained & repaired & may be enlarged or expanded provided that expansion does not extend the structure close to the shoreline. Structure shall be brought into full compliance with code when alteration or expansion of the structure takes place and the following takes place within any 3-yr period: • The GFA is increased by 100% or more, OR The costs stated on approved building permit equal or exceed the

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		making an alteration to the primary structure, the cost of which exceeds 50 percent of the replacement cost of the structure. Expansion or enlargement in shoreline setback requires a variance. Specific circumstances where a nonconforming structure can be expanded without a variance: ○ Constructed prior to City's Final Shoreline Report in 12-2006 ○ Implement setback reduction provisions for all structures. ○ Structure located landward of the OHWM. ○ Enlargement of footprint within shore. setback not exceed 10% of GFA. Upper floor additions may be permitted ○ Enlargement cannot extend waterward than existing structure. ○ Applicant must restore a portion of shoreline setback area with riparian veg. ○ Comply with BMP's ○ Must use fully shielded cut off light fixtures ○ Remodel not cause adverse impact to ecological functions and/or processes. ○ Provision can only be used once within any 5 year period		assessed value of the structure at the beginning of that 3-yr. period.

Attachment 2: POTENTIAL NO NET LOSS INDICATORS for SHORELINE MASTER PROGRAMS

Indicator (all in shoreline jurisdiction)	Functions affected – key categories – water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
Forest cover: Acres converted from forest land to other land uses.	Water quality–sediment, nutrients & toxic filtration, conversion, and/or retention; temperature regulation. Water quantity–flow regulation. Habitat-structure for habitat life needs; input of organics & LWM*.	Reduces forest buffers and decreases filtering, conversion, and/or retention of pollutants from surface & subsurface flow; increases quantity of pollutants to aquatic habitats. Alters the delivery and timing of water to aquatic areas, increasing quantity of water delivered to aquatic habitats during high and low flows, which affects habitat structures. Increases water temperature. Loss of nesting sites, rearing, refuge & foraging areas.	Doesn't identify future land use. May be difficult to determine acres in shoreline jurisdiction without finer scale analysis.	Rural.***	Details of application available from DNR and local government. Class IV forest practice applications. CCAP data.
Shoreline stabilization: Linear length or area of bulkheads, revetments, bioengineering, seawalls, groins, retaining walls, gabions. (Includes decrease in length, change to soft structure.)	Habitat-Riparian and aquatic habitat, sediment supply. Input of organics, prey base, & LWM. Structure for habitat life needs.	Interrupts habitat-forming processes, such as beaches & channel migration, by impacting sediment supply and transport. Loss of nesting sites, rearing, refuge & foraging areas. Loss of prey base with associated loss of riparian vegetation.	Combines different types of stabilization measures into one general category; impacts may vary.	Rural, urban.	Is data available from local government, including permits & SDP exempt projects? Can locals track over time? HPA information can supplement other data, but is not sufficient on its own. Detailed aerial photos may also show stabilization changes.

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Indicator (all in shoreline jurisdiction)	Functions affected – key categories – water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
Marine & freshwater riparian vegetation: Linear measurement of mature native riparian vegetation of a given width (buffer width) or percent cover of different vegetation classes.	Water quality–sediment, phosphorus & toxic filtration, conversion, and/or retention; temperature regulation. Water quantity–flow regulation. Habitat-input of organics, prey base, & LWM. Structure for habitat life needs.	Removes capacity of riparian vegetation to filter surface flows, sediment, phosphorous and toxics; subsurface removal or conversion of nitrogen, pathogens. Increases overland and subsurface flows. Increases water temperature. Reduces prey base. Loss of LWM that provides instream structure. Loss of nesting sites, rearing, refuge & foraging areas.	No permit, so no record of change. Focused project needed to track. Useful only if a baseline exists. Methodology needs to be able to measure change. May be difficult to measure over short time frame.	Rural, urban.	Can locals measure and track? Use sample areas, aerial photos. Puget Sound LIDAR consortium has some data.
Acres of permanently protected areas, with no or limited development: Public ownership, current use/PBRS, conservation easements, fee ownerships, NGOs.	Water quality–sediment, phosphorus & toxic filtration, conversion, and/or retention; temperature regulation. Water quantity-flow regulation. Habitat- Riparian and aquatic habitat, sediment supply. Input of organics, prey base, & LWM. Structure for habitat life needs.	Loss of nesting sites, rearing, refuge & foraging areas.	How measure degree of protection? Limit to protected areas with no development? Difficult to connect with specific functions.	Rural, urban.	Need info on ownership, PBRS, easements. Other info available from county auditor and assessor? Land trusts. NRCS and state agencies are also sources for permanently protected lands.

Attachment 2: POTENTIAL NO NET LOSS INDICATORS for SHORELINE MASTER PROGRAMS

Indicator (all in shoreline jurisdiction)	Functions affected – key categories – water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
Piers/docks/floats, overwater structures: Number of structures, square footage of new and replacement. Or track grating, piling, construction materials.	Habitat. Water quality-toxics.	Increase in predation, reduction in light and aquatic vegetation and simplification of food web.	All docks not same – i.e. grating, materials vary, location affects impacts. New docks partially mitigate impacts.	Rural, urban.	Is data available from local government, including permits and SDP exempt projects? Can locals track over time? Use DNR data – number of and area over water. HPA information can supplement other data, but is not sufficient on its own. Good to monitor late spring/early summer.
Road lengths (feet) within 200 feet of water body.	Water quantity. Water quality. Habitat- connectivity.	Intercepts and changes timing of flows to aquatic habitat. Increases sediment and toxics.	Is there much new road development in shoreline jurisdiction?	Rural, urban.	Data available from DNR, local governments and WSDOT. CCAP data needs analysis to provide relevant information.
Number of road crossings of water bodies -bridges, culverts.	Habitat - Instream functions. Water quality.	Simplifies stream habitat structure, increases channel confinement and interrupts habitat forming processes. Increases delivery of pollutants.	Is there much new road development in shoreline jurisdiction? Distinguishing between fish friendly crossings and others. Combining broad range of activities.	Rural, urban.	Culvert inventories vary in quality. WDFW has fish passage barrier data, but it is incomplete. Remote sensing data? SHIAPP data? CCAP data needs analysis to provide relevant information.
Water quality: 303(d) list. All water quality	Water quality.	Impairment is specific to type of listed 303(d) issue (e.g. increased temperature, low dissolved oxygen,	How relate to functions? Some impacts from outside shoreline jurisdiction. Only	Rural, urban.	Accessible data from Ecology. Is water body on or off list? In some cases, only a portion (e.g., reach)

Attachment 2: POTENTIAL NO NET LOSS INDICATORS for SHORELINE MASTER PROGRAMS

Indicator (all in shoreline jurisdiction)	Functions affected – key categories – water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
parameters such as temperature, dissolved oxygen, fecal coliform, heavy metals, toxics, organics and biological indices (e.g., Biological Index of Biotic Integrity). Shellfish listings closures.		increased fecal coliform, heavy metals and toxic organics.)	impaired waters are listed & measured; no WQ improvement project in place. No criteria to remove from list. Sampling methodology changes, not always comparable. Marine & fresh water lists updated in alternating 2-year cycles. Some impacts from outside shoreline jurisdiction and municipality. Emergency closures updated regularly. Uneven data. Changes may be too frequent for NNL purposes. Limited to fecal coliform. Reflects impacts on human health, not shellfish health.		of a water body is listed. 303(d) – comprehensive, Dept of Health Shellfish Program.
Levees/dikes: Linear feet, floodplain area gained from levee setbacks.	Water quality –sediment removal, temperature regulation. Water quantity–water	Impairs natural flooding regime. Reduces floodplain sediment retention, denitrification and	Can change in habitat quality as a result of levee/dikes be easily measured?	Rural, urban.	Measure increase/decrease in lineal feet, quality of levee related to riparian

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Indicator (all in shoreline jurisdiction)	Functions affected – key categories – water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
	storage, flooding. Habitat-structure for habitat life needs (e.g., low LWM, stream bed aggradation, river mouth progradation).	hyporheic functions. Decreases groundwater storage and base flows. Interferes with formation of habitat structure such as distributary channels in tidal and riparian and in-channel and off-channel habitat in freshwater settings. Removes habitat structure for nesting, rearing, refuge and foraging.	Various types and locations of levees & dikes are lumped together. Types of openings in levees and dikes vary; impacts may vary.		vegetation & slope. Is data from local governments or FEMA?
Floodplain area: Acres allowed to flood –tidal and river (lack of flood control and lack of other structures such as houses.)	Water quality – removal of toxics, sediment, phosphorous and pathogens through adsorption, filtration and retention. Removal of nitrogen through denitrification. Temperature regulation. Water quantity – water storage and flow regulation and reduction in downstream flooding. Habitat - formation of habitat structure from LWM, vegetation communities and sediment type/channel configuration that support habitat life	Impairment similar to that for levees & dikes with loss of floodplain from diking & filling.	Availability of data, maintenance of data.	Rural, urban.	Do local governments measure this for shoreline inventory? FEMA floodplain info available.

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Indicator (all in shoreline jurisdiction)	Functions affected – key categories – water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
	needs. Input of organics and prey base.				
Number of bald eagle & osprey nests & roosts & great blue heron rookeries.	Habitat – structure for habitat life needs.	Indicator of impaired habitat.	More suitable for counties than cities.	Rural.	WDFW data – most up-to-date for eagles.
Percent cover of invasive species in riparian zones.	Habitat – Riparian and aquatic habitat, sediment supply. Input of organics & LWM. Structure for habitat life needs.	Overwhelms native plants, compromising ecosystem. Potential effect on physical structure and food web dynamics.	Requires field work. May be useful if data set is available. Use Noxious Weeds list to define invasive species?	Rural, urban.	Is data available? Conservation districts? WA Invasive Species Council? (working on baseline assessment due in May 2011)
Impervious surface area.	Water quality – removal of toxics, sediment, phosphorous and pathogens through adsorption, filtration and retention. Removal of nitrogen through denitrification. Temperature regulation. Water quantity – water storage and flow regulation and reduction in downstream flooding. Habitat - formation of habitat structure from LWM, vegetation communities and sediment	Reduces vegetative buffers and decreases filtering of pollutants from surface & subsurface flow. Alters the delivery and timing of water to aquatic areas, increasing quantity of water and pollutants delivered to aquatic habitats during high and low flows, which affects habitat structure. Increases water temperature Reduces prey base (by	Covered by other indicators? Percentage increase in developed urban areas would be small and may not be useful indicator. Some land surface cover layers are inaccurate, e.g. showing impervious for clearcut forest.	Urban	Aerial photos or other remote sensing techniques show impervious cover. Local governments require new impervious information in permit applications.

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Indicator (all in shoreline jurisdiction)	Functions affected – key categories – water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
	type/channel configuration that support habitat life needs. Input of organics.	associated removal of vegetation) Loss of nesting sites, rearing, refuge & foraging areas.			
Wetlands acreage: Fill of natural wetlands and constructed or engineered wetlands. This includes nearshore tidal estuaries.	Water Quality – Wetlands filter pollutants and store sediment. Water Quantity – Affect groundwater storage and flow regulation. Habitat – Affects habitat structure, results in loss of wetland vegetation communities that support habitat life needs.	Changes to natural hydrological, chemical, and physical regimes affect the production and succession of a wetland's ecology, and therefore its functions and values.	Difficult to track. Could be covered in other indicators (impervious surface and water quality), however other indicators don't get at wetland conversion to non-impervious land use such as landscaping or agriculture. May require field work.	Rural, urban	Is data available? Local permit tracking? Ecology? Core of Engineers?
Area of seagrasses, kelp and emergent aquatic vegetation.	Habitat – structure for habitat life needs, including food and shelter for many species.	Decreases in aquatic vegetation such as eelgrass and kelp results in loss of food and shelter for many species.	Multiple factors affect growth and sustainability of aquatic vegetation.	Aquatic	Seagrass, kelp and emergent aquatic vegetation data along shoreline available from DNR Shorezone. (1994-2000) More recent local data available at those sites that are among the stratified randomly sampled sites.

* LWM – Large Woody Material

** For some indicators, decreasing the length or area of the indicator would result in a benefit to shoreline functions (e.g., shoreline stabilization, piers & docks.) For other indicators, increasing the length or area of the indicator would result in a benefit to functions (e.g. forest cover, riparian vegetation.)

*** Rural includes rural residential, agricultural and forestry areas.

CCAP – Coastal Change Analysis Program

NGO – Non-government organization

PBRS – Public Benefit Rating System

NRCS – National Resource Conservation Service

Attachment 3

DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: City of Bellevue Development Services Department

LOCATION OF PROPOSAL: City-wide

DESCRIPTION OF PROPOSAL: The Planning Commission is being asked to hold a public hearing, to deliberate on public comment received, and to formulate a recommendation to the City Council for final adoption of the draft Shoreline Master Program including the Shoreline element of the Comprehensive Plan (policies); the Shoreline Overlay of the Land Use Code (regulations); the Shoreline Environment Designations (maps); Shoreline Jurisdiction (maps); Shoreline Inventory and Analysis (study), and Shoreline Restoration Element (plan). Incorporation by reference of Draft Critical Areas EIS issued June 2005; Final Critical Areas EIS issued May 2006 for the Update of the Critical Areas regulations (05-113010 LE) pursuant to WAC 197-11-625 and 754. Both documents are available in Records Room at City Hall for review.

FILE NUMBER: 07-122342 AC, 11-103227 AD

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with Land Use Division. This information is available to the public on request.

☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project), or if the DNS was procured by misrepresentation or lack of material disclosure.

This DNS is only appealable as part of the City's action on the amendment to the Land Use Code. In order to comply with requirements of SEPA and the State of Washington Growth Management Act for coordination of hearings, any appeal of the SEPA threshold determination herein will be considered by the Growth Management Hearings Board along with an appeal of the City Council's action. *See* LUC 20.35.250C.

Carol Helland
Environmental Coordinator

May 5, 2011
Date

OTHERS TO RECEIVE THIS DOCUMENT:
State Department of Fish and Wildlife
U.S. Army Corps of Engineers
Attorney General
King County
Muckleshoot Indian Tribe

M. Jackson 4/26/11

CITY OF BELLEVUE
ENVIRONMENTAL CHECKLIST
(Integrated SEPA/GMA Process)

A. BACKGROUND INFORMATION

PROPOSAL TITLE: Shoreline Master Plan Update (Files No. 07-122342 AC; 11-103227 AD)

PROPERTY OWNERS' NAME: N/A; applies City-wide

PROPOSAL LOCATION: Applies within the Shoreline Overlay District

PROPONENT'S NAME: City of Bellevue, Development Services Department

CONTACT PERSON'S NAME: Michael Paine, Environmental Planning Manager

CONTACT PERSON'S ADDRESS: Development Services Department
City of Bellevue
P.O. Box 90012
Bellevue, WA 98009-9012

CONTACT PERSON'S PHONE: (425) 452-2739

BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:

1. **General description:** The City of Bellevue will amend the Bellevue Land Use Code (LUC) to include an update Shoreline Master Program (SMP). The updated master program will reside as a stand-alone SMP codified within Chapter 20.25E LUC and apply to all areas of the City within the shoreline jurisdiction. The comprehensive SMP amendment is intended to supplant the City's existing SMP in its entirety. The proposal also includes consistency amendments to other land use code sections, including the Critical Areas Overlay District Part 20.25H LUC to ensure internal consistency with the SMP as required under the Growth Management Act, Chapter 365.70A RCW.. The proposed amendments are needed to comply with the statutory deadline for comprehensive update of the local Shoreline Master Program pursuant to RCW 90.58.080.

2. **Site acreage:** Applies City-wide in shoreline jurisdiction (see attached map).

3. **Number of dwelling units/buildings to be demolished:** N/A

4. **Number of dwelling units/buildings to be constructed:** N/A

5. **Square footage of buildings to be demolished:** N/A

6. **Square footage of buildings to be constructed:** N/A

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7. **Quantity of earth movement (in cubic yards):** N/A

8. **Proposed land use:** Shoreline uses and development consistent with the requirements of the Shoreline Management Act.

9. **Design features, including building height, number of stories and proposed exterior materials:** N/A

10. **Other:** N/A

Proposed timing or schedule (including phasing, if applicable):

A public hearing before the Planning Commission on the proposal is anticipated on May 25 of 2011. Further review by the Planning Commission will terminate in a recommendation and transmittal to the City Council for final local action prior to transmittal to the Department of Ecology. An additional public hearing may be part of City Council review.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

- City of Bellevue Revised Jurisdictional Determination
- City of Bellevue Shoreline Inventory and Analysis Report (January, 2009)
- City of Bellevue Shoreline Environment Designations
- City of Bellevue Restoration Plan (January, 2011)
- City of Bellevue BAS Review (March, 2005)
- Critical Areas Protection Measures DEIS (June, 2005)
- Critical Areas Protection Measures FEIS (May, 2006)
- City of Bellevue Lake Sammamish Ordinary High Water Mark Study (August, 2004)
- A Summary of the Effects of Bulkheads, Piers, and Other Artificial Structures and Shorezone Development on ESA-listed Salmonids in Lakes (July,2000)

Draft and Final Critical Areas EIS File No. 05-113010 LE (June 2005 and May 2006)

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

N/A

09-124777 WG Cabrera Pier Project

11-104406 WG Whitlock Dock

11-110807 WG Suignard Pier Reconfiguration

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

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Ordinance adoption by the City Council. Final approval by Department of Ecology

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B. Environmental Elements

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.

C. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

SUMMARY

Project Summary: The City of Bellevue will amend the Bellevue Land Use Code (LUC) to include an update Shoreline Master Program (SMP). The updated master program will reside as a stand-alone SMP codified within Chapter 20.25E LUC and apply to all areas of the City within shoreline jurisdiction. The comprehensive SMP amendment is intended to supplant the City's existing SMP in its entirety. Under state law, the Bellevue Shoreline Master Program is required to include the following components:

1. Shoreline Element of the Comprehensive Plan (policies)
2. Shoreline Overlay of the Land Use Code (regulations)
3. Critical Areas Overlay of the Land Use Code (regulations)
4. Shoreline Environment Designations (maps)
5. Shoreline Jurisdiction (maps)
6. Shoreline Inventory and Characterization (study)
7. Shoreline Restoration Element (plan)

The proposal also includes consistency amendments to other land use code sections, including the Critical Areas Overlay District Part 20.25H LUC to ensure internal consistency with the SMP as required under the Growth Management Act, Chapter 36.70A RCW. The proposed amendments are needed to comply with the statutory deadline for comprehensive update of the local Shoreline Master Program pursuant to RCW 90.58.

Environmental Summary per WAC 197-11-235(3)(b)

State the proposal's objectives: To update the City's Shoreline Master Program consistent with the requirements of Chapter 90.58 RCW, the Shoreline Master Program, including the Washington State Department of Ecology's implementing regulations, Chapters 173-26 and 173-27 WAC

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Specify the purpose and need to which the proposal is responding: This update was mandated by the State Legislature to be completed by all cities and counties that have shorelines of the state within their jurisdictional limits. The City's SMP was originally developed in 1974 and has not had a substantial update since. As a result, it lacks a number of required components and is not aligned with current scientific information relevant to protecting shoreline functions and values. These gaps, combined with a lack of detailed performance standards aimed at guaranteeing use priority and public access, dictated that the City update its SMP in a manner consistent with the procedural and substantive requirements of the Shoreline Management Act (SMA) and its implementing rules, including Chapter 173-26 WAC, Shoreline Master Program Guidelines (Guidelines), and Chapter 173-27 WAC (Shoreline Management Permit and Enforcement Procedures). However, the update of the City's critical areas ordinance in 2006 provided partial protection to some critical shoreline resources via critical area buffers and significantly revised dock and bulkhead standards.

The Shoreline Master Program Guidelines (Guidelines) require a number of formulaic steps in developing an SMP beginning with a shoreline inventory and analysis designed to record existing conditions and assess, in a generalized way, ecological functions and ecosystem wide processes. This effort also provides a baseline of ecological functions and processes against which to measure the impacts of future development and change through time. This analysis included a series of management recommendations, many of which were incorporated in the proposed SMP. In response to this work, past experience with similar requirements, direction from the Guidelines, and extensive public input, the City also made adjustments to existing land uses, crafted new environment designations, and developed new shoreline policies and regulations as needed while incorporating existing critical areas policy and regulation as required. Significant in this effort was the preparation of a restoration plan. A cumulative impact analysis will be prepared once the final content of this draft plan is settled.

State the major conclusions, significant areas of controversy and uncertainty: When compared to the existing SMP and overlapping critical areas regulations, the proposed SMP will more closely comply with the consistent with the requirements of RCW 90.58.020, the approval criteria of RCW 90.58.090(3), the procedural requirements of RCW 90.58.090, the substantive requirements of RCW 90.58.100, and the requirements of Chapters 173-26And 173-27 WAC. The table below compares how the existing and proposed SMP addresses important required elements. The table, and the discussion that follows, focuses primarily on changes to residential shoreline regulations as the Urban Residential environmental designation encompasses the majority of Bellevue's shorelines so changes there have the most environmental significance. The second largest area in terms of acreage is publically-owned shoreline wetland that, apart from uses, is governed almost entirely by existing critical areas regulations.

Required SMP Element	Existing SMP and CAO	Proposed Draft SMP

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Environment Designations	• Single residential environment only • Conditional use approval for other uses	• Six new environments based on completed Shoreline Analysis
Priority given to water-dependant, water related uses	• Limited recognition • CAO gave priority to protecting ecological functions	• Explicit recognition of water dependent recreational use of the shoreline
Enhance Public Access	• Policy focus limited	• Policy language enhanced
Protect Ecological Functions:	• 25' buffer with 25' setback on developed lots; • 50' buffer on undeveloped lots; • Existing legally-established development protected by "footprint: exception • Any development in setback or buffer triggers science-based report and mitigation • Setback and buffer may be reduced to accommodate proposed development with science-based report where buffer quality is low or net environmental benefit can be demonstrated. **Setback dimension may be reduced a maximum of of 25 feet where the shoreline critical area buffer on all developed properties immediately abutting the site is less than the buffer required.**	• 50' setback on developed lots; • uses and development in setback allowed without special science-based studies • Explicit recognition of recreation use of shoreline • Existing legally-established development protected by "footprint" exception except where structure is located with conservation area. • Some uses allowed in setback without mitigation • Mitigation required for new development and for small-scale development over certain thresholds in setback • Setback dimension may be reduced a maximum of 25 ft. using prescriptive options • Special shoreline report for unique circumstances
Vegetation Conservation	• Strict preservation required as part of CAO buffer; • With the exception of routine landscape maintenance, any disturbance requires mitigation—generally native vegetation **In order to mitigate the impacts of new or expanded moorage facilities, a buffer of vegetation a minimum of 10 feet wide is required along the entire length of the lot immediately landward of ordinary high water mark.**	• Flexible retention requirements for existing native vegetation • Imposition of a vegetation conservation area across 60% of the first 25 feet of setback on residential lots with new residences and certain other types of development • Area expanded to 50 feet in Urban Conservancy environments • Institution of landscape standard with new development • Mitigation standards require planting in conservation area when development exceeds certain thresholds in setback
Shoreline Modifications		

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• Shoreline Stabilization	• New stabilization allowed only when avoidance shown to be infeasible • Clear preference for soft stabilization • Location limited to at or above OHWM • Height controlled • Repair permitted up to a minor threshold, beyond which applicant must show need • Soft stabilization required when engaging in major repair unless shown to be infeasible	• New stabilization allowed only when avoidance shown to be infeasible • Clear preference for soft stabilization • Range of options for both soft and hard • Location flexible based on type of stabilization installed; • With one exception, hard stabilization not permitted in floodplain unless residence is within 10 ft. of OHWM • Maximum height specified • Repair of existing stabilization permitted with measurable distinction between minor and major repair • Stabilization assumed to be required when doing major repair but soft preferred—hard allowed only when soft not feasible or residence located within 10 ft. of OHWM
• **Residential Moorage Standards**	• New residential docks subject to a single standard conforming closely to RGP-3 standard of USACE; • Total overwater coverage limited to 480 sf. • Dimensions established for walkways, ells and finger piers • Strict limit on number of boat and watercraft lifts • Floats allowed subject to depth requirement • Standards for materials • Repair of legally-established docks allowed up to specified threshold at which point proportional mitigation is required. • Reconfiguration or expansion involving the same or more overwater coverage must meet standards for new	• Standards for docks reflect local circumstances; • Side setbacks reduced from 12 to 10 ft. • Fewer specific design standards • Dock divided into walkway and moorage platform • No square footage limitation for walkway • Walkway limited to 4 ft. in width except expansion possible with 2:1 reduction to moorage platform • Platform must be located 30 ft. from shore or in 9 ft. of water • Platform limited to 250 sf. in Lake Sammamish and 350 sf. in Lake Washington. • Moorage platform user configurable—no specific standards in code • Increase in number of boat and watercraft lifts • Liberal repair standard allows entire dock surface, including stringers and joists and piling, to be repaired in the same

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		configuration and dimension except grating required • Grated surface required with minor repair of decking • Reconfiguration permitted provided allowed moorage platform does not exceed legally-established platform or allowed maximum.
Non-Residential Moorage	• Walkways only in first 30 feet from OHWM • Grating required to maximum extent feasible • Skirting prohibited • Ells minimum size necessary to allow use • Floats permitted in depths over 10 feet subject to minimum necessary standard • Limitation of 150 ft. on length • Piling sizing and spacing standards • Construction material standards	• Mitigation required for all impacts to ecological function • New skirting and covered moorage prohibited • Ramp access required • Ramps and walkways only up to 9 ft. below OHWM • Light penetrable materials required on gangways, walkways and floats • Construction material standards expanded • New standards for new marina location and design • Liveaboards allowed • Stacked Boat storage allowed subject to standards • Setbacks required • Lighting designed to minimize glare and habitat impacts • Gangways • Public access required • Waste services required • Maintenance and repair plan required • Aircraft moorage allowed with mitigation
Residential Nonconforming development	• Legally-established primary structures subject to footprint exemption in buffer • May rebuild in footprint • Legally-established accessory structures deemed nonconforming in the shoreline buffer • Repair limited to minor nonstructural repairs	• Primary structures are subject to footprint exemption except in 25 ft. vegetation conservation area • May be repaired up to the 50% replacement threshold with allowances • Legally-established accessory structures in the vegetation conservation area may be repaired up to 50% replacement threshold with allowances
Subdivision Standards	• No special shoreline standards	• New proposed criteria requiring clustering, dedication of

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		vegetation conservation area, shared moorage and public access 9 lots or more
Restoration Plan	• None	• Required by Guidelines

State the issues to be resolved, including the environmental choices to be made among alternative courses of action:

Shoreline Protections: Bellevue's existing regulatory approach gives special attention to protecting the shoreline interface by employing structure setbacks and "no-touch" buffers, along with updated stabilization and dock standards, to limit development impacts to habitat functions important to aquatic species of local importance. Regulatory setbacks associated with native vegetation provide one of the best means to ensuring maintenance of the crucial connection between land and shore and the habitat and water quality benefits that come with it. The imposition of setbacks and buffers naturally constrain development within this sensitive area by limiting the actions and types of development that can occur there. Under Bellevue's current rules, some departures from the required setback and buffer dimensions are authorized; however, such departures require a science-based report demonstrating net improvement in ecological function above what otherwise would have occurred under the prescriptive standard. Such an approach generally results in vegetative improvements with the 25-foot buffer from Ordinary High Water Mark (OHWM). On some occasions, bulkheads or portions of bulkheads are removed to offset the impacts of new development within the setback or buffer. These improvements are generally deemed sufficient to offset development impacts to hydrologic, vegetative and habitat functions that arise from development within the setback or buffer, primarily because they accelerate the reestablishment of a vegetative connection close to the water's edge. Moreover, such improvements have the benefit of having been based on a site specific science-based study and arguably reflect a more accurate assessment of actual site conditions and impacts.

In drafting a new SMP, the City faced a substantial challenge in crafting more flexible standards to meet the water-dependent recreational objectives of the Shoreline Management Act and the Guidelines, while protecting ecological functions in the manner similar to that provided by the buffers of the critical areas ordinance. To offset the loss of the existing "no touch" buffer, the City maintained the same overall structure setback dimension (50 feet) while replacing the 25-foot buffer with a vegetation conservation area designed to occupy 60 percent of the previous buffer area. The remaining 40 percent was made available for water dependent recreation and enjoyment but with a limitation on new structures and impervious surfaces.

To further offset the protective benefits of the existing shoreline buffer, the City added a landscape standard for new residential development both outside and inside of the setback and vegetation conservation area and redevelopment within the setback area. Since this new standard applies to new development outside the setback—something not previously regulated

under the critical area protections—it may foster planting of the vegetation conservation area at a rate similar to or exceeding the mitigation typically required as an outcome of the critical area report process. This requirement is further supplemented with a mitigation options menu that incorporates into prescriptive regulation common mitigation options previously coming out of science-based, site specific analysis associated with the existing critical area report process. Since some measure of the existing buffer is almost always occupied by legacy development, and required access to docks and beaches is needed in both approaches, the actual difference in outcome between the existing critical area setback and buffer protections and those proposed in the updated SMP is judged to be relatively small and in keeping with the balancing required to provide for two potentially conflicting policy goals of the Shoreline Management Act: recreational access to the shoreline and no net loss of shoreline ecological functions.

Vegetation Management Standards: Because Bellevue's current critical areas regulations require a 25-foot "no-touch" buffer on the shoreline, preservation of existing native vegetation within the area included in that buffer is a reasonable expectation. In removing the buffer requirement, the City needed to ensure protection of existing native vegetation within some part of the newly established 50-foot structure setback to ensure no net loss of ecological function. The City chose to employ a vegetation overlay designed to protect native vegetation existing within the first 25 feet from OHWM. Existing tree protection standards apply elsewhere on the site outside of the 50-foot setback. Instead of protecting a fixed area, this approach protects native vegetation, thereby making modest recreational development of the shoreline more likely since detailed science-based reports are not required. Such an approach makes sense given the highly developed nature of Bellevue's major shorelines, the impact of legacy development, and the demand for recreational use of the shoreline area. The addition of new development elsewhere on the site may trigger replanting of up to 60 percent of this vegetation conservation area. This requirement further ensures conservation of native vegetation and planting of new vegetation. On balance, the proposed vegetation conservation requirements in the updated SMP compare favorably with the existing critical area standards requiring a "no-touch" buffer while ensuring no net loss of shoreline ecological functions.

Shoreline Modification (Docks): The City's purpose in updating the existing critical area dock standards was to simplify and clarify the standards while ensuring no net loss of ecological functions. As a result, the proposed standards, much like the existing critical area rules, focus on limiting the overwater coverage in the nearshore while pushing the moorage function out a minimum of 30 feet or to a length necessary to reach a depth of 9 feet, whichever is greater. Walkway width is restricted to four feet and the walkway must be grated. The key difference, however, is that new standards do not specify a particular moorage configuration or specific dimensional standard for ells or floats beyond restricting the amount of total overwater coverage of the moorage platform—in this case 250 square feet for Lake Sammamish and 350 square feet for Lake Washington—and requiring grating throughout. The result is an owner configurable moorage platform the ultimate approval of which depends on state and federal agencies. (The difference in size of moorage platforms is in response to the larger deepwater boats typically moored on Lake Washington compared with Lake Sammamish where smaller runabouts are common.

Since total overwater coverage is considered a potential indicator of net loss of ecological function, it is worth comparing the total overwater coverage allowed under the current critical area rules with that proposed under the proposed SMP. The current code restricts new docks to 480 square feet of total overwater coverage. This amount can be increased but only by means of a science-based critical areas report and with additional mitigation. Comparing this standard with that provided by the proposed SMP is complicated because of the uncertainty about how far the walkway will need to extend to reach the minimum depth requirement of nine feet. Assuming that, on average, a Lake Washington dock will have to extend at least 40 feet to reach the 9 foot depth, the amount of overwater coverage would total 510 feet comparing relatively favorably with the current requirement of 480 square feet. Similar calculations on Lake Sammamish result in 410 square feet of overwater coverage, substantially less coverage than the maximum allowed under current code. Under the assumption of a 40-foot walkway length, the maximum average over water coverage is 460 square feet across the two lakes. This number is actually overstated since the moorage platform is typically divided into a slip designed to accommodate a boat thereby reducing the total overwater coverage. On balance, the proposed dock standards in the updated SMP compare favorably with the existing critical area standards while ensuring no net loss of shoreline ecological functions.

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Dock Repair: Given the urbanized character of Bellevue's lake frontage, most properties already are developed with a dock, making maintenance and repair an important concern. Under current rules, maintenance and repair of legally-established docks is permitted subject to a specific repair threshold above which proportional compliance to the new standard is required. Under the proposed SMP, the repair thresholds have been liberalized with the result that most docks can be fully repaired without triggering compliance with new standards. Complicated proportional compliance provisions have been eliminated and some items like material standards and grating have been made mandatory for all but the most modest repair actions; however, replacement of more than 50 percent of the piling triggers compliance with the standards for new docks.

Since the proposed repair standards in the updated SMP are modestly less restrictive than existing code, it is likely that a few repairs that would have previously triggered partial compliance based on more ecologically protective standards will not occur. However, such situations were rare as property owners preferred to make repairs just under the threshold so as not to trigger these provisions. Given such outcomes, the proposed dock standards in the updated SMP compare favorably with the existing critical area standards while ensuring no net loss of shoreline ecological functions.

Dock Reconfiguration: Proposals to reconfigure or replace existing residential docks are similarly treated in both the existing critical area standards and the proposed SMP. Such proposals must meet the requirements associated with new docks at LUC 20.25E.065.I.3 and 4. These provisions permit reconfiguration without significant coverage penalty provided the existing moorage platform is existed beyond the nine foot depth limitation.

Shoreline Modifications—New Stabilization: Bellevue's existing rules regarding shoreline stabilization were designed to be consistent with the standards provided in the Guidelines, allowing for minor repair of existing hard stabilization, but limiting new and replacement stabilization to those situations where need is clearly demonstrated to protect existing primary structures. The proposed SMP approaches the subject in the same way.

Avoiding the need for new stabilization is a primary policy objective of the Guidelines so development that purposefully avoids erosion hazards by locating the primary structure at a safe distance from Ordinary High Water to avoid those risks is preferred. Where an applicant perceives the need for stabilization on a site without it, he must prove it is needed by hiring a qualified professional to conduct a feasibility test. The test assesses a number of site specific factors, information about wind direction, speed, fetch and likely wave height, as well as risk to the structure and other factors.

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Where stabilization is allowed, the new rules follow the prior critical area standards by articulating a clear preference for soft stabilization; hard stabilization is an option only when soft options are not technically feasible or the structure to be protected is so near (less than 10 feet) to OHWM that hardened stabilization is the default option. In picking soft solutions the applicant is now provided with a wide range of better defined options, outlined in order of priority, ranging from vegetative and bioengineered techniques to a combination of the first two options with some rigid structures incorporated for additional safety. When site conditions warrant the use of hard stabilization, an applicant is directed to a list of prioritized solutions ranging from 3:1 revetments with extensive live staking and other vegetative enhancement all the way to a near-vertical rock structure not to exceed 1.5:1. Under the proposed SMP, new vertical stabilization is not permitted.

In an improvement over the existing rules, the proposed SMP clarifies where stabilization may be located when a documented flood hazard area exists; only soft stabilization is permitted within the area of special flood hazard except that low-angle planted revetments are permitted due to their limit impact on flood storage. In general, stabilization measures are prohibited waterward of the OHWM with the notable exception that those measures that incorporate approved habitat improvements.

Shoreline Modifications—Repair: As previously provided under existing rules, repair of existing legally-established shoreline stabilization is allowed subject to certain thresholds, provided the damage or destruction is not so severe as to cause loss of structural integrity so sufficient as to jeopardize its erosion protection function. Where such a condition exists, or where the cumulative reconstruction exceeds 50 percent of the structure's linear length over a three year period, the proposed SMP defines such repair as major, making it subject to the standards for new stabilization measures, except that legally-established stabilization is presumed necessary; the feasibility test required to established whether or not stabilization is necessary is not required. The proposed SMP sets a clearer standard regarding what constitutes repair allowing maintenance and repair of legally-established stabilization to occur where necessary. On balance, the proposed stabilization standards in the updated SMP compare favorably with existing rules in terms of the protection afforded critical aquatic and shoreline resources while ensuring no net loss of shoreline ecological functions.

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Subdivision standards: As part of the regulatory updates made in conjunction with the 2006 Critical Areas Update, a conservation short plat was added to the subdivision section of the City's Land Use Code. However, it applies only to those sites that abut a critical area of an acre or more, sites that abut known salmon streams, or sites where critical areas abut larger critical areas offsite, or large publically owned land managed for parks use or open space. While these conditions may sometimes occur in the Shoreline Overlay District, the proposed SMP includes some new criteria applicable to subdivisions of more than four lots to ensure no net loss of ecological function. Included is a lot clustering provision, compliance with public access standards for subdivisions of more than nine lots, tree retention requirements, dedication of the vegetation conservation area, and shared moorage provisions. These proposed criteria are new and represent additional protection not previously included the existing SMP, and represents improved protection for shoreline ecological functions.

Public Access: The existing SMP contains policy language supporting improved public access but this policy language lacks regulatory implementation. Given the emphasis in the Shoreline Management Act and the Guidelines supporting public access to shorelines, the proposed SMP includes regulations designed to protect, preserve and enhance the public's opportunity to enjoy the physical and aesthetic qualities of the shoreline and the water. These changes result in additional protection of public access not previously existing in the prior regulations.

Restoration Plan: The Guidelines include a requirement for a restoration plan designed, in part, to assist in offsetting long-term cumulative impacts of development in the Shoreline Overlay District, in an effort to avoid incremental and unavoidable degradation to shoreline ecological functions. The restoration plan is a new element, not previously included in the existing SMP, and while its force is only felt when implemented, it represents an important planning step to set the stage for potential future restoration of degraded shoreline conditions

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: Long-term cumulative impacts of development in the shoreline will continue to degrade shoreline ecological functions absent a robust restoration initiative by the City of Bellevue. This is because many development actions fall below permit or mitigation thresholds, or permitted actions are not fully mitigated because of poor impact identification, mitigation design and implementation, or long-term temporal effects. Over time these small impacts accumulate further degrading shoreline ecological functions.

Describe any proposed mitigation measures and their effectiveness: No specific development is being approved with this proposal. No significant environmental impacts have been identified, therefore no mitigation measures are proposed.

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1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

Environmental Summary

See discussion above

Proposed measures to avoid or reduce such increases are: N/A

2. **How would the proposal be likely to affect plants, animals, fish or marine life?**

The proposal should result in fewer significant impacts to plants, animals and fish because standards have been included that lessen impacts of new development like docks and shoreline stabilization and mitigation is required for those actions that have an impact on shoreline ecological functions.

Proposed measures to protect or conserve plants, animals, fish, or marine life are: N/A

3. **How would the proposal be likely to deplete energy or natural resources?**

See items 1 & 2 above.

Proposed measures to project or conserve energy and natural resources are: NA

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The proposal has no direct impact on these resources. Development authorized under this proposed SMP has the impacts outlined above.

Proposed measures to protect such resources or to avoid or reduce impacts are: N/A

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The proposal is a regulatory overlay designed to provide specific guidance with respect to uses in the shoreline.

Proposed measures to avoid or reduce shoreline and land use impacts are: N/A

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6. **How would the proposal be likely to increase demands on transportation or public services and utilities?**

None of the proposed amendments to the Land Use Code are likely to change the demands on the transportation system.

Proposed measures to reduce or respond to such demand(s) are: N/A

7. **Identify, if possible, whether or not the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

This proposal will require consistency amendments to the City of Bellevue land use code as required under the Growth Management Act, Chapter 36.70A.RCW.

D. **The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.**

Signature [signature] as I am

Date Submitted 4/14/2011

MJ