



# City of Bellevue

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December 30, 2015

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Mr. Joe Burcar  
Senior Shoreline Planner  
Washington State Department of Ecology  
3190 160<sup>th</sup> Ave. SE  
Bellevue, WA 98008-5452

*Re: City of Bellevue Shoreline Master Program Update Submission*

Dear Mr. Burcar:

The City of Bellevue is pleased to submit the City's updated Shoreline Master Program ("SMP"). Attachment A contains the SMP Submittal Checklist ("Checklist"). For your ease of review, Attachment B provides an outline of the documents that are being submitted, together with a bate stamp reference to where each document can be found in the electronic record that is also being provided. Attachment C contains a hard copy of the Bellevue Shoreline Master Program Update for Ecology's review and approval, and specifically includes Resolution No. 8922, SMP Policies, SMP Regulations, SMP Conformance Amendments, Jurisdictional Maps, Environment Designation Maps, Inventory and Analysis, Cumulative Impact Analysis and Restoration Plan. Other explanatory documents and materials are included in electronic form and the content and locations of these documents is also outlined in Attachment B.

The City's updated SMP, as unanimously approved by City Council Resolution No. 8922, (COB\_SMP000001-000007), is the culmination of an exceptionally thorough, conscientious, creative, and collaborative process over the past six years. The City's Shoreline Update Team, Planning Commission, City Council, The Watershed Company, and Professor Emeritus Richard Settle, have designed updated SMP policies and regulations that are appropriately tailored to the special circumstances of the City's Shorelines and commonly held citizen values, while respectful of, and well within, the legal parameters of Federal and State Constitutional limitations, the Washington Shoreline Management Act, RCW Ch.90.58 ("Act") and state Shoreline Guidelines, WAC Ch.173-26 ("Guidelines").

The City's Shoreline Update Team, Planning Commission, and City Council thoroughly heard and considered the competing legitimate interests and opinions of the City's residents and interested nonresidents, and they all worked diligently to develop policies and development regulations to reconcile the competing interests within the applicable legal limitations. The extensive opportunities for public participation provided throughout the process of reviewing and updating the SMP included numerous public meetings, hearings, workshops and other communications with the public. See the long list of "SMP Public Involvement and Outreach" opportunities, included in Resolution No. 8922 (COB\_SMP000001-000007).

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The City's Shoreline Update Team, Planning Commission, and City Council relied on extensive inventories and studies of the nature, extent and ecological functions of the City's shorelines and took into account the interrelationships between the City's SMP and other federal, state, and local regulatory programs, in accordance with the Guidelines, WAC 173-26-186(8)(d). The City

retained The Watershed Company to prepare a Shoreline Analysis Report, which provides detailed data on all of the City's shorelines with recognition that most of the City's privately owned shorelines are already developed for single-family residences, that there is little undeveloped shoreline land, and that most of the City's shorelines have relatively "Low Ecological Functions." The Shoreline Analysis Report is located in the SMP Update at COB\_SMP000263-000501. The Watershed Company also conducted detailed review and analysis of the most current, accurate, and complete scientific information available regarding the jurisdictional shorelines located within the City and prepared a Cumulative Impact Analysis ("CIA"), (COB\_SMP000945-001055), which concluded that the updated SMP, when implemented over the next 20 years, will ensure no net loss of shoreline ecological functions.

All City participants in the SMP review and update process were mindful that data developed through extensive studies, analyses, hearings, and submissions from interested parties and the public confirmed that shorelines are a critically important feature of the City, that the City lies between the extensive meandering Lake Washington and Lake Sammamish shorelines, that many citizens reside in shoreline homes, and virtually all citizens highly value shoreline views, parks, and other amenities.

City decision-makers also carefully considered the range of their discretion under the Act and Guidelines to take into account local shoreline conditions and local history, traditions, and values regarding uses of the City's shorelines, recognizing that:

- Under the foundational policy provision of the Act, RCW 90.58.020, [a]lterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures [and several other specified uses];
- "The guidelines are guiding parameters, standards, and review criteria for local master programs. The guidelines allow local governments substantial discretion to adopt master programs reflecting local circumstances and other local regulatory and nonregulatory programs related to the policy goals of shoreline management as provided in the policy statements of RCW 90.58.020, WAC 173-26-176 and 173-26-181." WAC 173-26-171(3);
- "The planning policies of master programs (as distinguished from the development regulations of master programs) may be achieved by a number of means, only one of which is the regulation of development. Other means, as authorized by RCW

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90.58.240, include, but are not limited to: The acquisition of lands and easements within shorelines of the state by purchase, lease, or gift, either alone or in concert with other local governments, and accepting grants, contributions, and appropriations from any public or private agency or individual. Additional other means may include, but are not limited to, public facility and park planning, watershed planning, voluntary salmon recovery projects, and incentive programs" WAC 173-26-186(4);

- The Guidelines require local master programs to contain planning policies and regulatory provisions designed to achieve no net loss of ecological functions "consistent with all relevant constitutional and other legal limitations on the regulation of private property. WAC 173-26-186(8)(b)(i).
- The Guidelines require local master programs to "evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the act," including evaluation of "(1) Current circumstances affecting the shorelines and relevant natural processes; (2) Reasonably foreseeable future development and use of the shoreline; and (iii) Beneficial effects of any established regulatory program under other local, state, and federal laws." WAC 173-26-186(8)(d);
- "[M]ethods of determining reasonably foreseeable future development may vary according to local circumstances, including demographic and economic characteristics and the nature and extent of local shorelines;
- "[T]he guidelines are not intended to limit the use of regulatory incentives, voluntary modification of development proposals; and voluntary mitigation measures that are designed to restore as well as protect shoreline ecological functions." WAC 173-26-186(8)(e).
- "[T]o the extent consistent with the policy and use preference of RCW 90.58.020" and chapter 173-26 WAC,"local governments have reasonable discretion to balance the various policy goals...in light of other relevant local, state, and federal regulatory and nonregulatory programs, and to modify master programs to reflect changing circumstances." WAC 173-26-186(9);
- [The Act] establishes a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating the planning required by [the Act]... The department shall act primarily in a supportive and review capacity...". RCW 90.58.050.

Mindful of the unique characteristics of the City's shorelines, history, traditions, and values, and the City's broad discretion to make policy choices for use and development of its shorelines within the parameters of the Act, the Guidelines, and federal and state constitutions, City policy advisors and policy-makers aimed to develop a "Bellevue

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Appropriate" SMP update. To this end, the updated SMP includes the following features, among others:

- Accommodation of uses that are compatible with the existing land use and ecological conditions, emphasizing appropriate location and design for new development, ensuring no net loss of shoreline ecological functions;
- Regulatory standards that protect water quality, habitat, and vegetation along the city's shorelines; mitigation standards with nexus and rough proportionality relationships to impacts;
- Unique Residential Vegetation Conservation Provisions that are summarized and explained in a Memorandum from The Watershed Company, Attachment D;
- Consistency with existing local regulations, including zoning, comprehensive plan policies and designations, the storm and surface water utility code; the storm and surface water engineering design standards, and the clearing and grading code;
- Incentives for voluntary shoreline restoration; and
- A Restoration Plan, which establishes clear priorities and identifies resources to enable coordinated restoration of the City's shoreline while identifying and defining specific projects, predominantly on public lands, that are likely to be implemented in the foreseeable future.

In developing the policies and regulations in the SMP update, the City addressed the concerns expressed by Ecology in the Checklist prepared for previous draft provisions of the SMP update.

In Resolution No. 8922, the City Council also expressed its intention to adopt "conformance amendments" to the new Part 20.25E of the Bellevue Land Use Code that coordinate all of the regulations applicable to development of properties located within the Shoreline Overlay District, (COB\_SMP000201-000234). The purpose of the conformance amendments is to ensure that the regulatory requirements of the SMP update are consistent with other existing regulatory requirements in the remaining provisions of the Bellevue Land Use Code. The conformance amendments include repeal of the City's previous SMP regulations contingent on Ecology approval of the City's proposed SMP Update.

The City looks forward to working with you to discuss any questions or concerns that arise in the course of Ecology's review of the City's updated SMP. Representatives involved in the City's SMP update process are looking forward to presenting these materials to you in person on December 30<sup>th</sup> at 10 a.m. so as to answer any immediate questions which may arise.

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Sincerely yours,

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Kate Berens, Deputy City Manager



Mike Brennan, Director, Development Services Department



Lori Riordan, City Attorney

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Attachment A: Shoreline Master Program Submittal Checklist  
Attachment B: Outline of Documents Submitted  
Attachment C: Bellevue Shoreline Master Program  
Attachment D: Memo from The Watershed Company-Residential Vegetation Conservation

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DOCUMENT TYPE	DOCUMENT NUMBER
Shoreline Master Program – (Hard Copy Attachment C)	
<input type="checkbox"/> Resolution No. 8922  <input type="checkbox"/> SMP Policies  <input type="checkbox"/> SMP Regulations  <input type="checkbox"/> SMP Conformance Amendments	COB_SMP000001-000007 Resolution 8922 COB SMP  COB_SMPA000008- 000033 May_18_2015 Council SMP Transmittal POLICIES  COB_SMP000034-000200 May_18_2015 Council SMP Transmittal REGULATIONS  COB_SMP000201-000234 May_18_2015 Council SMP Transmittal Conf Amendments
<input type="checkbox"/> Jurisdiction Maps	COB_SMP000238-000262 Environment Designation Maps
<input type="checkbox"/> Environment Designation Maps	COB_SMP000238-000262 Environment Designation Maps
<input type="checkbox"/> Inventory and Analysis	COB_SMP000263-000501 Shoreline Inventory and Analysis  COB_SMP000502-000869 Shoreline Analysis Vol 1_Wetlands  COB_SMP000870-000944 Shoreline Analysis Vol 2_Habitat
<input type="checkbox"/> CIA	COB_SMP000945-001055 Cumulative Impacts Analysis
<input type="checkbox"/> Restoration Plan	COB_SMP001056-001217 Shoreline Restoration Plan

DOCUMENT TYPE	DOCUMENT NUMBER
<i>Other explanatory documents and materials used in the preparation of the SMP - Electronic</i>	
<b>Draft Policies and Regulations:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Working Draft May 2010</li> <li><input type="checkbox"/> Pre-Public Hearing Draft</li> <li><input type="checkbox"/> SMP Draft May 2011 (Public Hearing Draft)</li> <li><input type="checkbox"/> Planning Commission SMP redraft July 2012</li> <li><input type="checkbox"/> PC SMP Transmittal Draft December 12, 2012</li> <li><input type="checkbox"/> PC Transmittal SMP Draft January 16, 2013</li> </ul>	<p>COB_SMP001682-001790 PC Working Draft SMP May_12_2010</p> <p>COB_SMP001791-002174 Pre-Public Hearing Draft SMP Jan 2011</p> <p>COB_SMP002175-002559 Public Hearing Draft SMP May 2011</p> <p>COB_002560-002789 PC Redraft SMP July 2012 and COB_SMP002790- 002886 PC Revised Draft Nov 2012</p> <p>COB_SMP002887-003085 PC Transmittal Draft SMP Dec 2012</p> <p>COB_SMP001218-001681 PC Transmittal Draft SMP Jan_16_2013</p>
<b>Council, Commissions and Boards:</b>  Planning Commission <ul style="list-style-type: none"> <li><input type="checkbox"/> Memos/Presentations/Minutes</li> </ul>	COB_SMP003086-005959 PC
City Council <ul style="list-style-type: none"> <li><input type="checkbox"/> Memos/Presentation/Minutes</li> </ul>	COB_SMP006281 - 007882 Council
East Bellevue Community Council <ul style="list-style-type: none"> <li><input type="checkbox"/> Memos/Presentation/Minutes</li> </ul>	COB_SMP007938 - 008005 EBCC
Parks Board <ul style="list-style-type: none"> <li><input type="checkbox"/> Memo/Presentation/Minutes</li> </ul>	COB_SMP008043- 008368 Parks
Environmental Services Board <ul style="list-style-type: none"> <li><input type="checkbox"/> Memo/Presentation/Minutes</li> </ul>	COB_SMP008485- 008716 Env Services

<b>DOCUMENT TYPE</b>	<b>DOCUMENT NUMBER</b>
<b>Background and Science:</b>	
<input type="checkbox"/> Map Book	COB_SMP008721-008825 Map Book
<input type="checkbox"/> CAO reports/documents	COB_SMP008838-010326
<input type="checkbox"/> Ordinary High Water Mark Study	COB_SMP010541-010677
<input type="checkbox"/> Dock and Bulkhead Study	COB_SMP010684 Dock and Bulkhead Study
<input type="checkbox"/> WSSA Science Document	COB_SMP010761 WSSA Science Document
<input type="checkbox"/> Critical Areas Handbook	COB_SMP010851 Critical Areas Handbook
<input type="checkbox"/> CAO	COB_SMP010959 Critical Areas Overlay District LUC
<input type="checkbox"/> Science articles and advisory documents	COB_SMP011091-019752 Science and Advisory
<b>Other applicable plans and programs:</b>	
<input type="checkbox"/> Land Use Code Chapter 20	COB_SMP021892 - COB_SMP022489
<input type="checkbox"/> Clearing and Grading Code Chapter 23.76	COB_SMP020982 Clearing and Grading BCC23.76
<input type="checkbox"/> Storm and Surface Water Utility Code Chapter 24.06	COB_SMP021033 Utilities Code BCC 24.06
<input type="checkbox"/> 2012 Stormwater Manual	COB_SMP019943 Stormwater Manual 2012
<input type="checkbox"/> Stormwater Guide	COB_SMP021458 Stormwater Mgmt Guide
<input type="checkbox"/> Storm and Surface Water Engineering Standards	COB_SMP021516 Engineering stds
<input type="checkbox"/> Draft Storm and Surface Water System Plan 8-2015	COB_SMP021061 Storm and Surface Water Plan
<input type="checkbox"/> Parks and Open Space Plan 2010	COB_SMP019774 Parks Plan 2010
<input type="checkbox"/> Lake Sammamish Willowmoor Project	COB_SMP022785 Lake Samm Willowmoor Project
<input type="checkbox"/> Meydenbauer FEIS	COB_SMP022523 Meydenbauer Park and Land Use FEIS
<b>Public Involvement and Comment:</b>	
<input type="checkbox"/> Public Participation Plan	COB_SMP022946 Public Participation Plan
Sept 2008 Boat Tour	COB_SMP022964-
<input type="checkbox"/> Boat Tour Invitation/mailling addresses	COB_SMP023078
<input type="checkbox"/> Attendees	
<input type="checkbox"/> Handouts	

<b>DOCUMENT TYPE</b>	<b>DOCUMENT NUMBER</b>
Phone Survey June-July, 2008 <input type="checkbox"/> Script <input type="checkbox"/> Summary report	COB_SMP023084- COB_SMP023114
Focus Group-Residential Property owners Nov. 18, 2008 <input type="checkbox"/> Summary Report <input type="checkbox"/> List of attendees <input type="checkbox"/> DVD	COB_SMP023374- COB_SMP023390
Construction and Marina Industry Focus Group February 2009 <input type="checkbox"/> Summary	COB_SMP023796- COB_SMP023799
Open House-Introduction to process, and shoreline inventory May 21, 2009 <input type="checkbox"/> Direct mailing <input type="checkbox"/> Presentations (3) <input type="checkbox"/> Display materials and Handouts <input type="checkbox"/> Sign in sheet	COB_SMP023391- COB_SMP023504
Open House- Draft SMP April 20, 2011 <input type="checkbox"/> Direct Mailing <input type="checkbox"/> Display materials and handouts <input type="checkbox"/> Sign in sheet <input type="checkbox"/> Public comment	COB_SMP023545- COB_SMP023795
<b>Mailers/Outreach/Notices:</b> <input type="checkbox"/> Weekly Permit Bulletin and Certificate of Mailing <input type="checkbox"/> It's Your City <input type="checkbox"/> Neighborhood News <input type="checkbox"/> Neighborhood Associations <input type="checkbox"/> Shoreline Blog <input type="checkbox"/> News Releases <input type="checkbox"/> Facebook posting <input type="checkbox"/> Project Notice Signs <input type="checkbox"/> Newspaper Articles <input type="checkbox"/> News Releases	COB_SMP023810- COB_SMP024303
<b>Planning Commission Public Comment:</b> <input type="checkbox"/> Documents Submitted	COB_SMP024330- COB_SMP027104
Council Public Comment <input type="checkbox"/> Documents Submitted	COB_SMP027115- COB_SMP027614
Interested Parties List <input type="checkbox"/> Workbook tabs	COB_SMP027616- COB_SMP027642