City of Bellevue
Parks & Community Services

MEMORANDUM

Date: May 2, 2011

To: Parks & Community Services Board

From: Camron Parker, Senior Planner
Parks & Community Services

Subject: Shoreline Master Program Comment Letter
(Board action requested)

ACTION REQUESTED

The Planning Commission has extended an invitation to the Parks & Community Services Board to review and submit comments on the draft Shoreline Master Program (SMP). At the May meeting, the Board is asked to discuss and approve a comment letter.

To facilitate discussion and approval of the letter, Board members are asked to submit comments and suggested edits in advance of the meeting. Comments received by Monday, May 9, will be compiled and options for incorporating them into the letter will be provided at the meeting.

BACKGROUND

Enclosed with this memo are two documents. First, the Development Services Department has prepared responses to each of the comments and questions that were submitted by board members.

The second enclosure is a draft comment letter for the board to consider. After reviewing the discussion from the April meeting and the submitted questions and responses, the following themes were distilled:

- Additional public access opportunities through public and private development
- Open space protection – limiting non-compatible uses
- View protection
- Improved public access through signage

These themes are conveyed in the draft letter as principles for the Planning Commission to use when considering regulatory requirements impacting public access, shoreline and wetland parks and open spaces. The letter concludes with specific recommended modification to existing draft policies for the Bellevue Shoreline Master Program.

If you have questions or comments, please contact me at 425.452.2032 or cparker@bellevuewa.gov.

City of Bellevue

MEMORANDUM

DATE: April 29, 2011

TO: Chair Roland and Members of the Parks & Community Services Board

FROM: David Pyle, Senior Land Use Planner, Development Services Department

SUBJECT: Shoreline Master Program Update - Responses to questions submitted by Parks and Community Services Board members

Development Services staff have received comments from members of the Parks and Community Services Board related to the City's Shoreline Master Program update. The questions and Development Services staff responses are included below. Please let us know if there are any follow up questions generated by these responses.

Responses to questions submitted to staff via email on April 10, 2011 by Board member Matthew LaPine:

1.The plan itself appears to be a completely new plan. I'm not sure, but I think this is the case, and that the Track Changes comments are there mainly for clarification to the reader. Is this correct? (if it is a revision, then change bars would be useful to know what's changed – but I think it's "all new").

Response: Yes. The Plan is completely new and will supplant the existing SMP, although elements contained within current codes and policies have been retained where appropriate.

2.Policies-1: the goals appear to be in priority order, but are not stated as such. Are they in priority order?

Response: No, the goals, based on direction from the Planning Commission, are Bellevue specific and establish no order of preference.

3.Policies-1: assuming they are in priority order, based on my understanding of the state's desire to prioritize public access and use, I would prefer to swap goals 6 and 7, because private use precludes public access, and also because I think it's important that we emphasize Urban Conservancy uses over private residential uses.

Response: See above. However, the Shoreline Management Act does establish a series of goals specific to Shorelines of Statewide Significance that apply to lakes Washington and Sammamish. These include the following and are in order of preference:

(1) Recognize and protect the statewide interest over local interest;

(2) Preserve the natural character of the shoreline;

(3) Result in long term over short term benefit;

(4) Protect the resources and ecology of the shoreline;

(5) Increase public access to publicly owned areas of the shorelines;

(6) Increase recreational opportunities for the public in the shoreline;

(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

4. In any event, I would recommend changing "single family" to "residential", as there are condominiums within the jurisdiction.

Response: WAC 173-26-241 does not assign priority to multi-family development and we do not anticipate proposing a change to this language. Multi-family residential development is generally considered a use of higher intensity than the singlefamily use and thus is not one of the uses specifically favored when alterations of the natural condition of the shoreline are authorized by the Shoreline Management Act. In such circumstances, the SMA grants priority, in no particular order, to these specific uses: single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

5.Policies-3, bullet 2 "no net loss" – I think the way this is presently phrased, it would be possible to interpret as no net loss of boat slips in a marina, or no net loss of number of residences in the jurisdiction. I think that's not the intent at all, and recommend re-wording to make more clear (for example, delete "functions" and instead say Open Space, ecological quality, or other qualifiers that make it air-tight. The General Policies later on specifically say no net loss of ecological function.)

Response: Development Services Staff agree and will make this change.

6.General: I think it would be helpful to see an inventory of what falls into the shoreline jurisdiction. In Camron's cover memo, there is a list of parks and boat launches. Obviously there are a great many residences – how many? What other uses fall into the shoreline jurisdiction and what are they? I think the reader would be well-served with a tabulation of them, which may pair well with the Appendix A maps. I think it would also help the reader to understand the context of subsequent stated management policies.

Response: This was presented at the April 12, 2011 Parks and Community Services Board meeting. Similarly, a map of Shoreline Jurisdiction and proposed Shoreline Environment Designations is available at: http://www.bellevuewa.gov/pdf/Land%20Use/Environment_Designation_04-08-11_LR.pdf

7.I am interested in maximizing the Urban Conservancy – Open Space areas, and particularly those which have unique features. I would like to ensure that development opportunities are extremely limited in these areas. As written, the management policies do not prohibit, for example, transportation development, and that seems like a loophole that should be closed with an additional policy statement.

Response: Development Services staff have worked with the Parks Department to identify the range of uses and activities that are currently in existence or are planned for development in City Parks. Transportation uses are significantly constrained in locating within shorelines because before doing so it must be demonstrated that no other feasible alignment or location with less impact on shoreline ecological functions exists. Refer to draft policy SH-78 which refers to restrictions on the siting of transportation facilities at:
http://www.bellevuewa.gov/pdf/Land%20Use/Public_Hearing_Draft_Policies.pdf

8. Aquatic: there is an Aquatic Environment designation, but the maps in Appendix A only show it as a footnote. I think an actual color designation should be made and applied. Without this, for example,

the designation of marina boat slips, to me, is vague and/or unclear. The note says that all areas waterward of the high-water mark are Aquatic, but I would still prefer to see it explicitly designated.

Response: Aquatic areas have been given a designation of "Aquatic". Please see LUC 20.25E.010.D at: http://www.bellevuewa.gov/pdf/Land%20Use/Authority_LUC_20.25E.010.pdf

9.Meydenbauer Bay: I'm a little confused by the designation of Recreational Boating for the city-owned land that will become the future Meydenbauer Bay park. Is this because the designations are intending to reflect *current* use rather than use that is already in the "chute" per Council? How do you expect it will change when the park is developed? What opportunity will we have to update the SMP to reflect the upgrade?

Response: The designation of a portion of the Meydenbauer Bay Park property as Recreational Boating was done in anticipation of allowing a broad range of uses appropriate to that site as directed by the State Shoreline Master Program update guidelines. A list of uses is identified in the draft Shoreline Master Program and are allowed in the Recreational Boating Environment. Some of the uses identified as allowed in the Recreational Boating environment were included as they are contemplated for development by the Parks Department. In this way the draft Shoreline Master Program reflects both current and proposed uses. It is important to note that although the Shoreline Master Program establishes what uses are allowed within each of the Environment Designations, future development of the Meydenbauer Bay Park is required to be consistent with the Meydenbauer Bay Park Master Plan - uses developed on the Meydenbauer Park site are limited to those identified in the Master Plan. See LUC 20.25E.030 at http://www.bellevuewa.gov/pdf/Land%20Use/Shoreline_Use_Charts_LUC_20.25E.030(1).pdf

10.Shoreline Residential Management Policies: I think it would be helpful to include some forward references, particularly to the Shoreline Modification Policies. When I read this part, I found myself wondering how the shoreline itself and dock construction would be regulated, only to find my answer in the very last section.

Response: The Shoreline Master Program policies are meant to serve as a blueprint. Regulations are intended to implement the policies. See LUC 20.25E.065.I for dock regulations that implement the Shoreline Master Program policies. http://www.bellevuewa.gov/pdf/Land%20Use/Residential_Shoreline_Regulations_LUC_20.25E.065.pdf

11.Shorelines of Significance: I think that there needs to be a section for Shorelines of National Significance and that those areas be called out and have their own management policies, somewhat related to those of State Significance but focusing on prioritizing the National interest, i.e., recognizing and protecting the national interest over state and local interest. Mercer Slough was competed on a national level and should be recognized as such.

Response: The Washington State Shoreline Management Act does not have authority over national shorelines. Regulating shorelines of nationwide significance is not part of the State Shoreline Master Program update requirement and is not included in WAC 173-26. Current requirements limit shoreline master programs to identification of Shorelines of Statewide Significance. See LUC 20.25E.010.F at: http://www.bellevuewa.gov/pdf/Land%20Use/Authority_LUC_20.25E.010.pdf See discussion regarding those priorities. WAC 173-26-251 encourages "optimum implementation" of these policies meaning placing special emphasis on statewide objectives and consultation with state agencies.

12.Policies-14: "single family" again ...seems inappropriate, "residential" by itself seems more appropriate.

Response: See #4 above.

13.PUBLIC ACCESS (Policies-15): Since ability to have a view" is listed, and I agree it should be there, I would like to see something added to the Policies that supports the ability to have a view. Fifty years ago, many upland properties had unobstructed views of Lake Washington and Lake Sammamish. Today, there are many tall evergreen trees that have grown in to those views over the years, views of the beautiful water have been lost, and there is *Nothing* that anyone can do to restore them. I know we consider these views important, so let's add a policy that supports it. I expect this will also impact the Vegetation Conservation section some. There has to be a balance, of course.

Response: The Shoreline Management Act and the Shoreline Master Program Update Guidelines found in WAC 173-26 do not afford protection of private views. The City does not have a view protection program and creation of a view protection program is not proposed as part of the Shoreline Master Program update at this time. Further, removal of significant trees along the shoreline is in conflict with the objectives of the Shoreline Management Act, and is contrary to the draft Shoreline Master Program policies available at: http://www.bellevuewa.gov/pdf/Land%20Use/Public_Hearing_Draft_Policies.pdf. It should be noted that although private view protection is not included in the SMA and draft Shoreline Master Program, the establishment and protection of public access is a priority and is focused on establishing points of access for the public to view and touch the State's shorelines.

14.Recreational Use (Policies-17, -18): Since non-motorized boat access is called out, I think that other popular recreational uses should be as well, including but not limited to, fishing, and swimming in particular.

Response: Points of access for these types of uses are typically provided through City Parks, which are allowed along Bellevue's shorelines.

15.Residential Use: I would like to suggest adding a prohibition on subdivision, or increased density, or something that makes it clear there is a bias towards Open Space rather than private ownership.

Response: The draft Shoreline Master Program does include requirements for the preservation of open space as part of a subdivision process (see LUC 20.25E.065.B.2.l at: http://www.bellevuewa.gov/pdf/Land%20Use/Residential_Shoreline_Regulations_LUC_20.25E.065.pdf). The draft Shoreline Master Program also includes a preference for the creation and maintenance of open space within the Urban Conservancy Open Space environment designation. Please note the draft Shoreline Master Program does not currently include a stated preference for open space in the Shoreline Residential environment designation, although, consistent with WAC 173-26-241, the Shoreline Master Program draft policy language and draft code provisions suggest a balancing between residential uses and public access uses.

Responses to questions submitted to staff via email on April 14, 2011 by Board member Kathy George:

1. Is there an existing or proposed SMP policy to post signs telling the public where to find waterfront access?

Response: The draft Shoreline Master Program does not currently include policy language that requires the installation of wayfinding or shorelines access signage. Draft signage policy language is included as Policy 47 at: http://www.bellevuewa.gov/pdf/Land%20Use/Public_Hearing_Draft_Policies.pdf .

2. What are the circumstances under which the Parks Department would own and/or maintain the public-access easements that would be created as a condition of waterfront subdivisions?

Response: The draft Shoreline Master Program does not include a requirement that private property or public access areas be transferred to the City Parks Department as part of a development action. The private property owner and the City Parks Department may choose to enter into partnership to manage

public access that is developed as part of a development action, although this is not required. Requirements for the development of public access are included in the draft Shoreline Master Program section LUC 20.25E.060.I at:
http://www.bellevuewa.gov/pdf/Land%20Use/General_Requirements_LUC_20.25E.060.pdf.

3. The draft Shoreline Master Program requires that subdivisions of more than 4 lots dedicate or establish public access. Is a four lot threshold effective or is a lower threshold is needed for meaningful impact (i.e., there are hardly any lakefront properties that could accommodate more than four lots.) ?

Response: There are very few parcels within shoreline jurisdiction that are larger enough to be divided into more than 2 lots. The 4 lot threshold is included in the State's shoreline master program update guidelines in WAC 173-26-221(4)(d)(iii). Through land capacity analysis, the Development Services Department has determined that this threshold is effective and will capture many of the parcels large enough to be divided into more than 4 lots. This threshold is also seen as a project of relative scale where the objective of providing public benefit should be balanced with the objective of private development.

Responses to questions submitted to staff via email on April 13, 2011 by Board members Lynne Robinson/Kathy George:

1. **Is the Phantom Lake neighborhood's proposal, as presented by Brian Parks, to restore the outlet channel of Phantom Lake a viable alternative to creating an inlet channel (per proposed PL-2)?**

Response: The outlet channel is on private property, and for the most part, the channel is located outside of the jurisdiction of the SMP. The Planning Commission has expressed concern about planning for restoration projects on private property. The maintenance of the channel is the responsibility of the property owners. A more detailed description of PL-2 and PL-3 (described by Mr. Parks during the April 12 Parks and Community Services Board meeting) is available in the draft Shoreline Master Program Restoration Plan at:
http://www.bellevuewa.gov/pdf/Development%20Services/City_of_Bellevue_Shoreline_Restoration_Plan_-_1-18-11w-appendices.pdf.

City of Bellevue
Parks & Community Services

MEMORANDUM

Date: May 2, 2011

To: Hal Ferris, Chair
Planning Commission

From: Faith Roland, Chair
Parks & Community Services Board

Subject: Shoreline Master Program Comment Letter

Thank you for the opportunity to comment on the draft Shoreline Master Program. Development Services staff attended our meetings in April and May to provide information on the update process. Upon review of the draft policies, the Parks & Community Services Board offers three overarching principles for the Planning Commission to use as it considers regulations impacting public access, shoreline recreation and open space uses. Additionally, the Board provides specific draft policy modifications for your consideration that support these principles.

The SMP should support the City's long-standing policy of increasing public access to the shoreline and preserving open space.
The City's first park acquisitions in the 1950's were shoreline parks. Since that time, acquisition and development of shoreline and wetland parks has remained a top priority. The 2010 Parks & Open Space System Plan, as adopted by the City Council, calls for continued waterfront, wetland and stream-side acquisition for the next 20 years to increase access for all Bellevue residents and preserve unique and valuable open space. Public access can be improved by maintaining public view corridors and improving directional signage to existing facilities. Further, and in combination with the above, requiring major private redevelopments to design for public view and access can assist in reaching the Shoreline Management Act's public access goal.

The SMP should recognize that parks use a small percentage of Bellevue's overall shoreline to serve all Bellevue residents. To accommodate demand, intense use of the shoreline is often necessary.
Bellevue's waterfront parks are highly used facilities. Less than 4% of residential lots in Bellevue front water. The vast majority of Bellevue residents consider Bellevue parks their waterfront property. Bellevue's population of 122,000 has access to approximately 12% (1.7 miles) of Bellevue's shoreline in the form of public parks. The high demand on these facilities is reflected in a 2009 statistically significant survey of Bellevue residents finding that 69% of Bellevue residents visit a community beach, waterfront park or boat launch at least twice every year. Almost 40% visit six or more times per year.

The SMP should allow a balance of public access, ecological restoration and historic and cultural preservation and restrict uses in shoreline and wetland parks that do not advance these interests.
The 2009 Bellevue resident survey referenced above found that Bellevue residents express a strong desire for the City to continue to develop waterfront parks and boat launches, improve the ecological function of forests, wetlands, lakes and streams and preserve historical structures and heritage sites. The City has been able to make this balance under

the existing SMP and seeks to continue under the new regulations. Consider the following from the 2010 Parks & Open Space System Plan:

> Mercer Slough Nature Park is an excellent example of parkland serving multiple functions. It offers trails for pedestrians and bicyclists and waterways for canoes and kayaks. The wetlands and waterways of Mercer Slough provide habitat for more than 160 different species of wildlife, including heron, beaver, and salmon. A sense of Bellevue's historical and cultural heritage is preserved at the historic Winters House and through the continuing agricultural practices of farming blueberries in the park. In addition, the Pacific Science Center offers environmental education programs at the Mercer Slough Environmental Education Center. Added to this, the Slough provides immense benefits in the amount of stormwater detention, water quality filtering and carbon emission capture and storage.

To aid in aligning the draft SMP policies to the above principles, the Parks & Community Services Board recommends the following draft policy modifications. The first recommended modification adds weight to the community's priority of creating additional public access and more directly transfers the meaning and intent of existing SMP Policy SH-21 into the revised policy set.

General Policies
SH-18. ~~Provide~~ Encourage acquisition and development of additional public or community access consistent with the existing character of the shoreline, the scale or type of development, and in full consideration of the impact on ecological function.

The second recommended modification broadens the scope of the policy to address a wider variety of water-oriented recreation activities.

Recreation Use Policies
SH-63. Encourage existing recreation facilities to provide as appropriate, access to a variety of public water-enjoyment activities including but not limited to non-motorized boat launching facilities. Require new recreation facilities to provide public non-motorized boat launching facilities where feasible.

The third recommended modification add a new policy that encourages higher utilization of existing shoreline recreation resources by better directing residents to their location through signage.

Sign Policies
SH XX(new): To promote and facilitate public enjoyment of the waterfront, encouraging signage and wayfinding techniques to direct individuals to public access points from nearby streets and trails.