



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 160th 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 30th at 10 a.m. so as to answer any immediate questions which may arise.

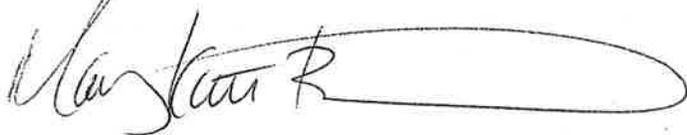
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Sincerely yours,



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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