

# ShoreScore Update

May 5, 2011



## Open House – Wrap-Up

Approximately 100 residents attended the April 20th SMP Open House at City Hall. In addition to being provided take-away materials and the ability to speak to several Planning Commissioners, attendees moved between a series of displays depicting how the proposed regulations would work. Topics covered included:

- Jurisdiction Boundaries (i.e., who's affected)
- Ordinary High Water Mark (OHWM)
- Phantom Lake (its uniqueness and how it will be regulated)
- Newport Shores (which, like Phantom Lake, has been designated for separate rules)
- Docks and Bulkheads (their repair and replacement options)
- Existing and New Residential Activities (what will kick off the need to do extra “stuff”)

We have been critiquing what was presented and, over the next several weeks, will be providing you updates. The draft shoreline regulations are over 300 pages long. There are many nuances and details that the Open House displays did not reveal. In this issue, comments are provided on the most important issue – *What you will and will not be allowed to do with your current property*. You'll find this information on pages 2 through 4.

## Next Event – May 25th

The next step in the SMP process will be a public hearing on the regulations on May 25<sup>th</sup>. If you can attend and plan to speak, we encourage that: (a) you submit your comments in writing stipulating you want them “made part of the record”, and (b) not merely complain, but indicate any personal impacts the regulations would impose on you.

Should you not be able to attend, comments can be sent to the City at [PlanningCommission@BellevueWA.gov](mailto:PlanningCommission@BellevueWA.gov) until May 25th.

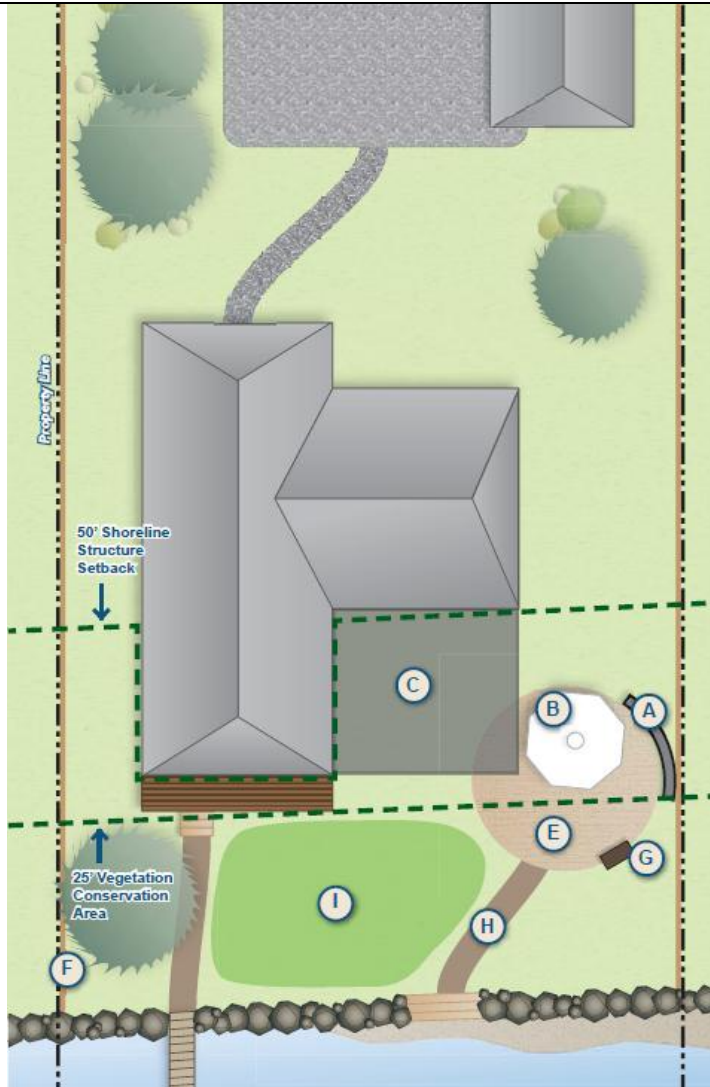
Either way, indicate in your submittal that you request your input be made part of the SMP record.

Contact us at [sensibleshorelines@gmail.com](mailto:sensibleshorelines@gmail.com) if you have any questions.

**City Display**

**WSSA Critique**

**Existing Development – Exempt Actions**



Although staff recommends protections for existing homes that are 25 ft or more from water’s edge, their increase in setback to 50 ft (from 25 ft established 1974) will result in 40% of shore properties being heavily “regulated”. Yet, there has been no justification for this increase.

Many affected structures will be declared **non-conforming**. As shown in this [article](#), non-conformance carries with it serious consequences.

When combined, these factors point to increased restrictions, increased costs, and diminishing value of shoreline properties. Add in the City’s goal of acquiring 20% of the shore for public use, and you may be concerned, too.

You should also be concerned with their intent to capture 60% of the shore for conservation buffers restricted to native plants you’ll need permits & bond to maintain.

A – Retaining walls closer to shore **will be** subject to regulation.

B – Code states accessory structure changes require onerous setback reduction option.

C – Additions must be **lateral** to the shore and also require a setback reduction option

D – Impervious surface includes dwelling expansion. Over 1000 s.f. triggers additional regulations.

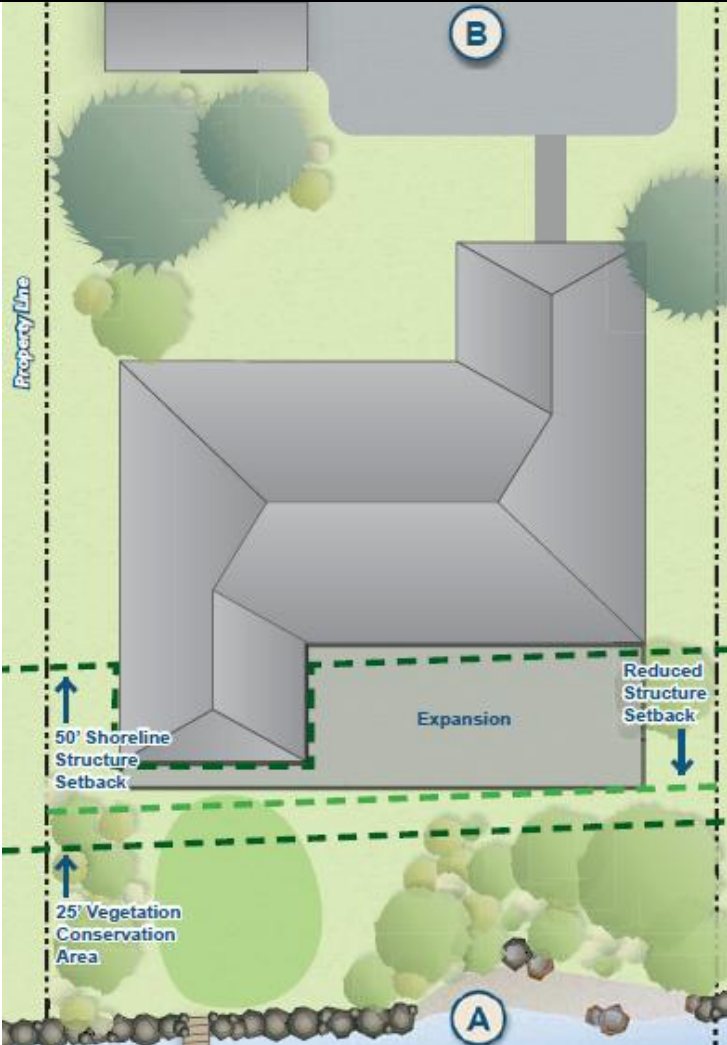
E – 40%’s arbitrary. Engineering & bond required to assure ‘pervious’

F – Fences allowed only to 25 ft from shoreline; thus are useless.

**Add these to your property:**

- (A) Retaining wall < 30” high
- (B) 200 s.f. accessory structure
- (C) 500 s.f. addition
- (D) Impervious surface up to 25% of setback (not to exceed 1000 sq. ft.)
- (E) New pervious hardscape up to 40% of the Vegetation Conservation Area
- (F) Fence
- (G) Barbeque or fire pit
- (H) Landscape features such as fountains, statues, and stairs
- (I) Landscaping including lawn

CONTINUED BELOW

City Display	WSSA Critique
<p><b>Existing Development – Expansion With Setback Reduction</b></p> 	<p>To further develop your property and move closer to the water City staff offers 10 unrealistic options for you to do so. We ask -</p> <ul style="list-style-type: none"> <li>&gt; Would you willingly remove your bulkhead to move closer to an unprotected shoreline?</li> <li>&gt; Would you open a “piped” stream to have it declared “potential” salmon habitat?</li> <li>&gt; Can you afford to convert 1000 s.f. of your driveway to pervious surface?</li> <li>&gt; Are you willing to dedicate (on your title!) an additional 20% of your parcel as a native vegetation preserve?</li> <li>&gt; Would you also be willing to sign a release of City liability AND record these restrictions and maintenance obligations permanently on your property deed?</li> </ul>
<ul style="list-style-type: none"> <li>• Menu Option: suite of 10 options for mitigation <ul style="list-style-type: none"> <li>(A) Option 2: Use of natural or soft stabilized shoreline for &gt;15'</li> <li>(B) Option 5: Use of &gt;1000 s.f. of pervious material in parking and driveways</li> </ul> </li> <li>• Special Shorelines Report for alternative mitigation</li> <li>• Additional standards <ul style="list-style-type: none"> <li>» City-wide tree preservation standard</li> <li>» Retain existing native vegetation in Vegetation Conservation Area</li> <li>» Proportional landscaping standard</li> </ul> </li> </ul>	<p>Attendees found that the Open House displays minimized many onerous regulatory requirements.</p> <p>Each of the items shown here are overly simplified. Much stricter rules, controlling plants and trees on your entire property, are proposed; including required use of hand tools and hand labor.</p>
<p><b>Don't miss this!</b> When a site doesn't contain shoreline stabilization, the menu option allows a reduction of the shoreline setback to a total of 25 feet.</p>	<p>... but staff doesn't tell you that they'll require you to replace 60% of your shoreline with a deed restricted, “no touch” native vegetation - tall tree area!</p>

Additional examples follow below.

## Several 'What If' Questions...

**What if I leave my 2000 sq ft home to my children and they want to tear it down and rebuild a 2200 sq ft house and they're willing to stay behind the proposed 50 ft setback - what will be required?**

Answer – They would have to dedicate and plant 60% of the shoreline in permanent native vegetation including tall, native trees. This rule (at 20.25E.065.F.1.a and 1.b. and 2.a.i) applies to any expansion of lot coverage on a tear down “replacement structure.” The house could be 100 feet back but you still would be required to do so and you'd have to either follow a City Handbook or prepare an expensive report justifying an alternative approach to landscaping this area.

**What else is impractical about these “vegetation conservation areas” (previously called “buffers”)?**

Answer - According to the City's planting requirements, 60% of your shoreline lot to a depth of 25 feet would be planted with 7-8 trees including - 2 Sitka spruce (grow to 125 feet), 4 Western red cedar (grow to 125 feet), plus 1-2 other trees.

If you have a 100 foot wide lot, staff's idea to protect your view is to plant all those trees on half of the 60 foot wide area. So, you can still have a view, except that the City template expects the spruce and cedar trees to only be 7-8 feet wide. But a 75 foot tall western red cedar would likely be 25 feet wide and spruce are similar!

In short, City staff expects you to accept (1) a view through a small forest of 7-8 native trees in an area 30 feet wide by 25 feet deep, (2) that these trees, ultimately growing to 75-125 feet tall, will not crowd one another and become safety problems, and, (3) an obligation to record on your title that they will stay there in perpetuity. All because you did a tear down and complied with the 50 foot setback! And, you would also hold the City harmless by signing a waiver AND post a bond to assure lost trees are replaced!

If the trees become a danger? You'll need a permit to remove them and will have to mitigate for their loss.

WSSA believes there are serious deficiencies reflected in these and other aspects of the draft SMP. We encourage your involvement and support to prevent obvious safety issues, loss of property value, and needless costs that would result from adoption of such a program. Please plan to attend the May 25<sup>th</sup> Commission Hearing and object!