

Update  
Nov. 8, 2010

A Newsletter For the Friends of WSSA

ShoreScore



## City to Look Back 35 Years to See If Your Property's Legal

The City Planning Commission continued its deliberation of new shoreline regulations last week; this time being briefed on [staff recommendations](#) with respect to non-conformity. Key to non-conformity are elements such as whether you're discussing: (a) your residence, OR (b) an "accessory structure" (such as a boat house or shed or patio), AND (c) whether they're "legally established".

Planning Commissioners asked how "legally established" is determined. Staff responded that they have aerial photos dating to 1974. Presumably, if your "improvement" was not in their 1974 photo, you would need to show proof of a permit for anything built after 1974.

What if you bought your home in 1994 and don't know? -- All the more reason to stay tuned and get involved.

## Why Would Bellevue Declare Shoreline Development Non-Conforming?

Over the last year and a half we've been told the changes in shoreline regulations are based on scientific reasons associated with environmental needs. WSSA examined in depth the reports on "science" used by the city, and demonstrated serious weaknesses and questionable justification in the use of these reports.

We were also told that new regulations are needed because the City adopted Critical Areas regulations in 2006. WSSA objected to this and we were then told the shorelines are not critical areas.

So, that leaves the tool of **non-conformity**; the intent of which was pointed out by staff who cited rulings of the Shorelines Hearing Board (the judge and jury above the City when it comes to shorelines). In 1995 the SHB ruled in a case called *Garlick et al. v. Whatcom County*, (SHB No. 95-6) that **the purpose of the shoreline setback is to phase out residential use within the setback area.**

Thus, we've moved from rational reasoning (science-based need) for placing restraints on shoreline use to something of intangible justification. Under this approach, the need to

monitor “shoreline ecological function” is diminished. The City need only count the number of structures successfully removed from the shoreline to demonstrate an improvement to the environment. This is a serious disconnect!

## **Complicated?**

**Needlessly so!** Let’s put it in perspective. The entire Bellevue Critical Areas ordinance, adopted in 2006, encompassed only 34 pages. Sammamish's SMP had about 70 policies requiring 70 pages. Redmond’s 87 SMP policies necessitated a 150 page ordinance. Bellevue staff have released over 240 policy statements to define the intent of the forthcoming regulations. One can only imagine how immense and complicated Bellevue’s regulations will be. **Where are we heading in these difficult economic times, amidst concerns over big government?**

## **WSSA Seeks Clarification**

To aid each of us in understanding the ramifications of these proposals, WSSA, with the aid of our attorney, has met with City officials to discuss the upcoming process and how information is being presented. Among the agreements reached was a commitment by staff to provide clear, understandable examples for resident review, [WSSA’s concerns](#) with many other aspects of the SMP notwithstanding.

## **A Look Ahead & Other Issues**

It is unclear whether the Planning Commission will entertain any SMP topics again before the draft regulations are published in December, so please look for a notice as soon as we receive word.

**Lake Sammamish High Waters Return** - please be aware that efforts to have King County completely clear the blockages at Marymoor Park were limited by environmental permit restrictions. Thus, you’re seeing high water levels sooner than expected. We continue to push for action before further flooding occurs.

[Visit Our Website for More Information](#) and to make a donation. Your financial support is key to our continuing efforts to assure balanced information is considered in development of the Bellevue [Shoreline Master Program](#).