

ShoreScore Update

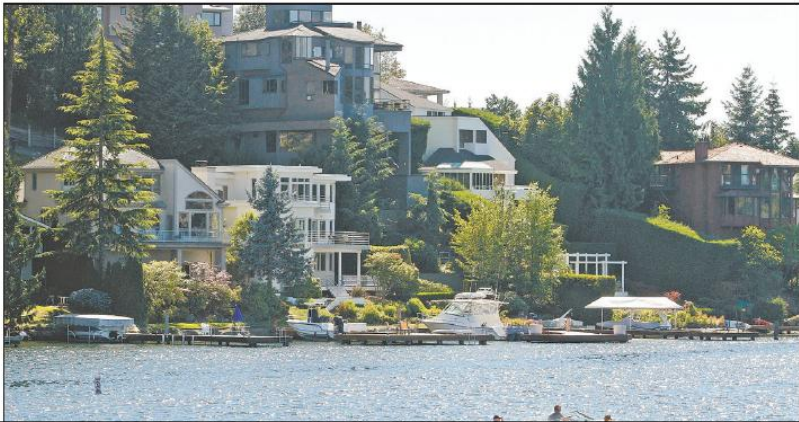
August 2013¹



Wave If You're Concerned!

You've probably read the July 29th Seattle Times article – [Waves of Concern](#) by now. If you are as concerned with the misinformation in the article as we are, raise your hand! Better yet, send WSSA a donation to support our continuing efforts to protect local lakes and local shorelines.

Waves of concern over Bellevue waterfront rules



Most egregious in Keith Ervin's article is his citing Dept. of Ecology's review of Bellevue's proposed shoreline regulations as if that was a formal review. Mr. Ervin did not report that Ecology provided only cursory informal comments and that Ecology: did not follow formal procedures, reviewed an incomplete draft—one not approved by the City Planning Commission, and failed to consider the important background documents and scientific evidence supporting the draft Shoreline Master Program (SMP).

The Times article also contends that the Planning Commission was loaded with pro-property rights advocates who turned an acceptable 2010 draft plan on its ear to benefit shoreline property owners. Mr. Ervin dramatically slanted the facts and left out comments WSSA provided him months ago. The 2010 draft SMP was a City staff generated version. It drew heavy criticism by dozens of citizens and WSSA's experts at the Commission's public hearing and meetings.

Council member Kevin Wallace fought to make new appointments to the Commission following Council rules. Instead of giving in to demands to change the rules and keep existing Commissioners beyond their terms, Wallace appointed Diane Tebelius and John Carlson. The Times article fails to note that Tebelius became the only Commissioner who actually lives on one of the City's lakes. Representation by the "regulated public" is typical on the Planning Commission and has never been questioned.

Under the leadership of new Commissioners, WSSA observed meetings involved substantially more debate and more opportunities for the public to present input. Eventually the new and old Commissioners **joined together** to unanimously recommend approval of the proposed SMP. The facts

¹ Prior issues of ShoreScore Updates are available online at [WSSA's homepage](#).

are that more debate about facts and science led to a 7-0 Commission vote, but that was not the political spin that Mr. Ervin wanted so he told a different story.

Are Shoreline Property Owners to Wave Their Concerns?

Mr. Ervin's article's title "Waves of Concern" is "catchy". It "catches" one of our chief concerns – waves. Especially on the City's larger lakes wave action, coupled with altered high water levels, impact shorelines. Requiring planting of tall trees and removal of protective bulkheads would have led to dangerous conditions and further loss of real property improvements along the shore. The Planning Commission listened to residents and made changes.

WSSA brought a key concern to the Commission early in the update process. Staff had proposed that many shoreline structures be declared "non-conforming". If your bulkhead, deck, walk, or other near-shore structure needed maintenance which would cost more than 50% of its estimated value, your request would be denied. Other cities' shoreline programs have not been this extreme. Imposing this only on Bellevue properties would have greatly impacted property values.

The Times article contends a stacked Commission tossed requirements for native vegetation. The Commission did not. Similar to Redmond and Sammamish, the proposed Bellevue plan would require native plantings if your development action would come closer to the water than 25 ft. Also, planting of native vegetation is often required to comply with requirements of the Corps of Engineers when docks are built or expanded. But, the original idea of City staff to set aside the 25 feet closest to the water as a dedicated "no-touch" native habitat preserve, with 5 or 6 view blocking trees across a shorefront parcel was justifiably rejected by the Commission.

Mr. Ervin's article also ignored what actually happened at the Planning Commission in relation to vegetation. The Commission was specifically concerned about vegetation and adopted "greenscape" rules that require more "greenscape" and less "hardscape" when homes or patios are expanded within 50 feet of the water. Remodeling within the existing footprint would be allowed, but expansion may require changes to create more greenscape near the water. WSSA supported this approach as a preferred alternative to more restrictive approaches that had no basis in fact or science. The Commission exhibited leadership in pursuing this balanced approach, which was specifically designed to garner support from the Department of Ecology.

Far from being property rights friendly, the proposed shoreline rules are more restrictive and complicated than the old rules. However, WSSA recognized that stricter rules are required by the Department of Ecology under State law and we worked hard to ensure that the new rules are grounded in facts and science within the guidelines imposed by Ecology. WSSA supports the proposed shoreline rules as a balanced approach designed to achieve Ecology's approval.

Where Will the "Wave" Carry Us?

WSSA has the same question.

At their July 15th meeting, the City Council took another important step toward final SMP approval. Five Council members strongly supported moving forward to complete the adoption process. Those Council

members were Don Davidson, Kevin Wallace, John Stokes, Mayor Conrad Lee, and Deputy Mayor Jennifer Robertson. These Council members supported WSSA's request to have the Planning Commission make changes to other parts of the City Code that are necessary to implement the draft SMP. These Council members rejected a different approach, which was to delay implementation and negotiate with Ecology, even though that step would not have been in accord with Ecology's own procedural rules. The five Council members want to move forward to complete the steps for City adoption of the SMP and then follow the formal Ecology review process which best ensures Ecology's consideration of all the supporting evidence that must be presented by the City. Mr. Ervin did not explain this either.

Overall, one thing is clear. Mr. Ervin and the Seattle Times has made this a political issue by focusing on actions and statements by City Council members, essentially trying to create a story by claiming formal Ecology rejection and magnifying subsequent disagreement among Council members. This same story-creating approach was used by the Seattle Times in reporting about the angst and anger that existed amongst City Council members over the light rail system planned through downtown neighborhoods. Unfortunately, the Times ignored many important details, spinning facts to create a perception of concern. That's unfortunate and frustrating given the Planning Commission's unanimous (7-0!) approval of the draft Shoreline Master Program that was designed in accordance with Ecology requirements.

WSSA's efforts have striven to assure sensible preservation of shoreline access and use balanced with the need to protect shoreline ecology and that of City lakes. Through our efforts, supporting information has been generated on topics such as –

- the high degree of urbanization of Bellevue shorelines
- the exemplary retention of trees on shoreline properties
- the need for shore protection from high water levels and wind driven waves
- the acceptability of traditional landscaping along shorelines
- the need to protect existing homes and improvements (i.e., avoid non-conformities), and
- the numerous errors and omissions within the science cited by the City; for example, improperly applying stream science to the lake environments

We will continue to promote these and other points before the Planning Commission in its review of the implementing changes, and then ensure that the City Council and the Dept. of Ecology consider this information in moving forward.

Clearly, WSSA needs to be involved. Your support is critical!

Funding Appeal

WSSA needs a presence, not only to press for a balanced and sensible plan, but to assure the flexibility and local discretion of the State Shoreline Management Act are respected. The needs of all three lakes must be represented. In the case of Phantom Lake and Lake Sammamish, City and County efforts will determine the future of the lakes – whether they will be managed properly or become detention ponds for surrounding development and higher and higher water levels damaging private improvements.

WSSA needs your help to continue active involvement in these areas.

Please send a check to WSSA today at P.O. Box 6773, Bellevue 98008