

Highlights of the Council Directed Edits to the Draft SMP

Principles/Objectives for Bellevue Appropriate Approach to Vegetation Conservation

1. Certainty (Safe harbor)
2. Flexibility (Options for mitigation, with ability to depart entirely with Shoreline Special Report)
3. Fairness (Nexus/Rough Proportionality)
4. Stewardship Incentives (Credit for retention, enhancement and advanced mitigation)
5. No Net Loss (mitigation for impacts to existing vegetation)

Details

1. The revised draft SMP provisions are designed to achieve no net loss of shoreline ecological functions and other shoreline functions, including the SMA's high priority policy to accommodate single-family residences, and to comply with constitutional limitations on land use and environmental regulations that require "nexus" and "proportionality" between the impacts of a regulated activity and the regulatory requirements imposed on that activity.
2. The revised draft SMP provisions recognize, as do the state Shoreline Guidelines, that the benchmark for measuring loss of shoreline ecological functions is not restored shoreline ecological functions or pre-European settlement pristine ecological functions, but the actual state of present shoreline ecological functions.
3. The revised draft SMP provisions are based on the actual intensely developed present state of the City's shorelines. No requirements are imposed by the SMP on the owners of presently developed shorelines, no matter how degraded their ecological function may be. For example, the footprint exception to shoreline setbacks allows structures to be rebuilt and enlarged vertically within their existing footprint, no matter what the distance from the OHWM. And such structures may be maintained and rebuilt under the City's nonconforming structure regulations.
4. The revised regulations relating to setbacks recognize the footprint exception and provide incentives to allow development up to 25' from OHWM.
5. Most of the revised SMP provisions pertain to mitigation options for development that causes loss of shoreline vegetation ecological functions. These functions are aquatic habitat, terrestrial habitat, and water quality protection.
6. Under these mitigation options:
Vegetation mitigation is required only for development that causes loss of shoreline vegetation ecological functions.
Vegetation mitigation required is proportionate to impact (loss) of vegetation function. Loss of more ecologically valuable vegetation function requires more

mitigation. Loss of less ecologically valuable vegetation function requires less mitigation. The owner chooses.

The options do not restrict the kinds of vegetation that may be planted to mitigate such losses. Different credit is given for different kinds of vegetation depending on ecological function value. The owner chooses.

Mitigation vegetation planting is required only to offset vegetation impact (loss) as a result of shoreline development.

The guiding principles are no net loss with flexibility and fairness.

There are no “gotchas”. Mitigation is required only for vegetation loss the owner chooses.

7. The revised draft SMP provisions also contain the new option to mitigate in advance or “bank” vegetation mitigation for potential development in the future. Planting of the owners choice can be done anytime and mitigation credits accumulated. And the credits grow over the years as the vegetation grows and becomes more ecologically valuable!
8. The revised provisions have another important new feature that rewards good stewardship. Owners may earn credits that can be used to mitigate potential future development by conserving and enhancing and improving the ecological quality of existing vegetation.
9. The revised provisions also make clear that the landowner has broad discretion to eliminate dangerous trees and prune, trim, and relocate plantings to maintain views of the waters and to ensure safety and security.
10. In short the revised draft SMP provisions are designed to protect Shoreline ecological functions while protecting the quality of life of shoreline residents and providing a wide range of regulatory choices.