

ShoreScore Update

April 2015



WA Sensible Shorelines Association provides this newsletter to shoreline property owners and others to keep you informed on issues of interest.

A Quick Review of the Bellevue SMP Update Process Timeline

Wondering where the process has wandered and where it's going? Here are the major milestones of the past 8 years and a guess at the future.

2007 - 2011	Staff and consultants develop draft SMP
2011 - 2013	Planning Commission refines SMP, sends recommendation to City Council
2013 - 2015	City Council holds hearings and develops new SMP, and submits to State Ecology
2015 - ??	Dept. of Ecology process (hearings, then recommended modifications back to City) City makes modifications and activates regulations
2019	Next SMP Update due June 2019 !

SMP Update Process this Week

Last Monday evening, April 27th, Bellevue Council nudged the draft shoreline regulations another step. Since their meeting in late 2014 ([Click here to review our Fall 2014 Update](#)), the Council has been debating what activities can take place along privately owned city lake shores.

The focus shifted at Monday's meeting from -

What you would need to do in order to develop or redevelop within 50 ft. of shore? to ...

What level of landscaping alterations would trigger permitting and mitigation plantings?

[Click here](#) to find out more about Monday's meeting and the additional regulations we will face.

County Willowmoor Project Must Resolve Flood Issues!

King County held a [public meeting](#) about this Lake Sammamish project in March. Subsequently, a group of lake residents expressed concern that none of the proposed alternatives will resolve the Corps of Engineers' finding that the floodway no longer provides adequate flood protection. With only marginal maintenance proposed, water levels will remain high and expose properties to flooding. [Click here](#) to learn more about this issue and the group's meeting with County and Corps staffs.

Help Us Continue to Represent You

Send your tax deductible contribution to "WSSA", P.O. Box 6773, Bellevue, 98008.

Council Adds More Shoreline Restrictions (continued from page 1)

Background - In March the Council decided you would be allowed to expand and modify your property within 50 feet of shore **if** you plant approved vegetation (which the City considers wildlife habitat). Specific numerical values were provided for actions to mitigate for (re-)development impacts. ([Click here for more information](#)).

At the March meeting, Mayor Balducci advised the Council that the City has, for some time, considered shorelines critical areas. Indeed, the City has done so since adopting its Critical Areas Ordinance in 2006. Thus, while the SMP update has labored through the Planning Commission and now the Council, the City has imposed harsh restrictions on shoreline residents despite no requirements to do so. As interesting, although told last year by their attorney that the Council has broad discretion within the SMP to treat shorelines less stringently, staff and consultants have continued to push for harsher regulations.

This Week - Staff pressured Council to select one of three new options all of which would further restrict property owner activity near the shore. WSSA representatives and our attorney protested these additional restrictions. We pointed to legal information showing: (a) a city-wide approach, not a property-by-property approach to shoreline environment protection, is OK with the State, and (b) State code recognizes that re-creating pockets of isolated animal habitat in urban areas is inappropriate and unnecessary.

In the end, WSSA reluctantly concurred on what we believe would be the least constraining of the options proposed by staff. The Council approved that option. It has the following general requirements.

For non-maintenance, landscape "disturbances" within a 5 year period, you would be required to apply for a **permit** and provide **mitigation plantings if** you disturb (i.e., remove or change):

- (a) more than 200 sq. ft. within 25 ft. of your shoreline's OHWM (Ordinary High Water Mark), **or**
- (b) more than 1000 sq. ft. within 50 ft. of shore (including restriction (a) above) **or, if you disturb...**
- (c) less than 1000 sq. ft. within 50 ft. of shore, but increase your lawn by more than 200 sq. ft.

Additionally, if you add impervious surface waterward of your existing structures that are closer than 50 ft. of shore, you will need to plant 75 sq. ft. of native vegetation within 10 ft. of your shoreline's OHWM.

Later in Monday's meeting Council also supported WSSA's recommendations on two other issues - Valuation and Choices of Mitigation Actions, and Recording Mitigation Plans on Property Titles.

Mitigation Actions - The Council modified the numerical process (selected earlier in the year) for development actions near the shoreline ([described in this online document](#)). WSSA pointed out that only vegetation restoration options were offered property owners to mitigate development actions. And, some mitigating measures, such as removing lawn and putting in trees and shrubs, were not "valued" appropriately. Council concurred.

Recording Mitigation Requirements - Staff returned to Monday's meeting with the requirement that you would have to record to your property title any imposed mitigation requirements. Council concurred with WSSA that this should be at the property owner's discretion and not a requirement.

Council then concluded the meeting by directing staff to develop final SMP language and return with it for their approval in mid May. It would then be forwarded to WA Dept. of Ecology for their approval.

[**Return to Top**](#)

King County Willowmoor Project (continued from page 1)

A group of property owners from Lake Sammamish met with King County staff last month. The purpose of the meeting was to explain resident perspective that further maintenance is needed in the Transition Zone (a.k.a. "Slough") at Marymoor Park and that the project must resolve raised water levels and, as important, must lead to recertification of the river as an active flood control system. Joining WSSA members Scott Sheffield and Marty Nizlek were Dwight Martin and Reid Brockway representing SHO, the Sammamish home owner association. WSSA's hydraulic engineer also attended.

Marty Nizlek reported that the lake's water level gage near Vasa Park has shown continued elevated lake levels. More than half of this winter's lake levels have exceeded the historic, Corps of Engineer's high water mark. Since the rainy season is measured from October 1st, that means the level has been elevated for more than three months. Marty pointed to County documentation which indicates from 1968 to 1998 (30 years!), this level was exceeded only 2 months each year on average. Despite renewed mowing, the group pointed out that obstructions and sediment remain and are a barrier to outflow and will likely result in over 4 months of elevated lake levels this year.



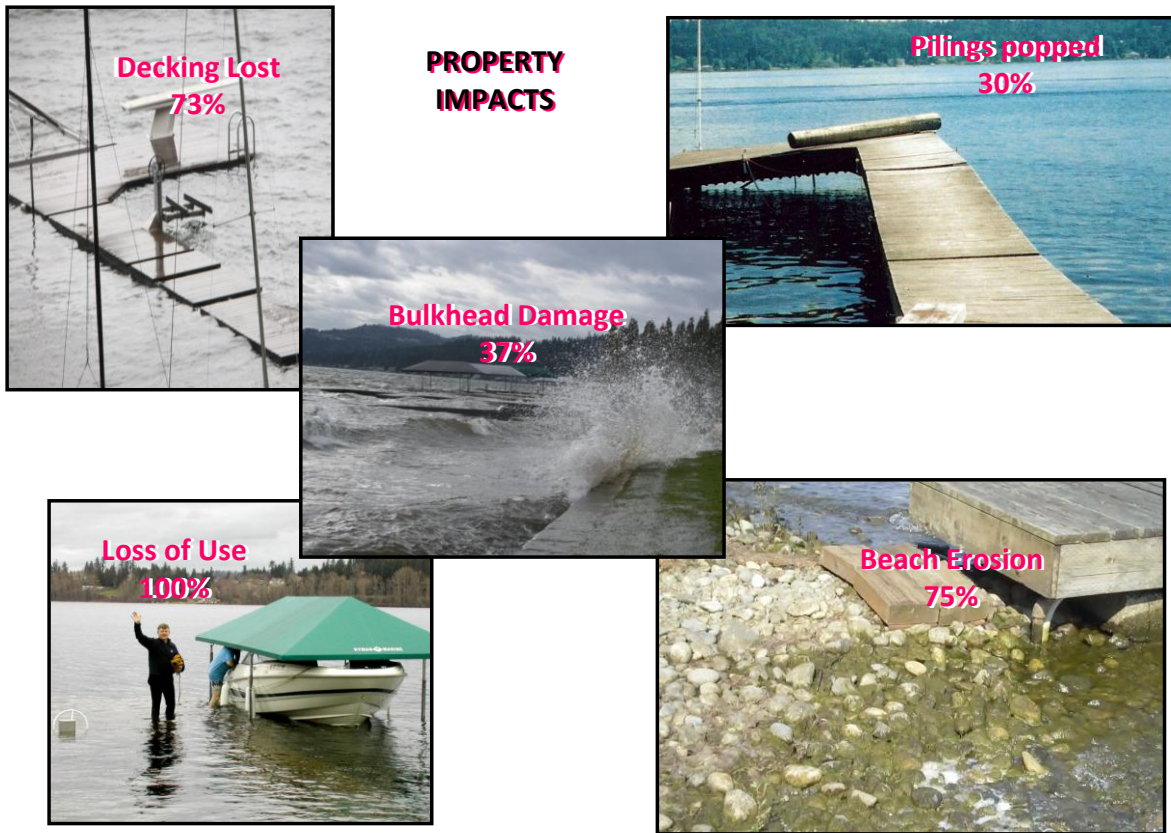
Obstructions and Sediment in Slough at Marymoor Park - March 2015

Prior to meeting with County staff, WSSA board members, our attorney and hydraulic engineer met with representatives of the Corps of Engineers. The Corps confirmed to WSSA that in 2008, they found deficiencies in their Sammamish River flood control project, then decertified and inactivated it as inadequate for flood protection. WSSA presented an analysis detailing [how lack of maintenance at Marymoor has impacted private properties](#) on the lake, and emphasized that, as proposed, Willowmoor will result in a permanent shift (higher) in lake water levels, resulting in continued loss of land, and, should a rare weather pattern hit, much greater damages.

We will continue our involvement and input to the Willowmoor process, but urge property owners to contact elected officials Kathy Lambert and Jane Hague whose districts encompass Marymoor/the Slough. Please press for completion of maintenance of the Transition Zone NOW, and insist that the project be the first step in the Corps' recertification of the entire river as an adequate flood protection system.

[Return to Top](#)

Damages Reported in 2015 Survey of Lake Sammamish Property Owners



Summary of Losses

Of 220 responses, 185 (84%) indicated they suffered property damages.

Of those with damages, 118 (64%) provided the dollar amount of their losses.

This information shows losses during deferred maintenance as high as \$12 million!

[Return to Top](#)