

ShoreScore Update

October 2015



BELLEVUE SHORELINE PROGRAM -

Have the Goblins Gotten It?

We, like many of you, have been awaiting confirmation from the City of Bellevue that the draft Shoreline Management Program (SMP), approved by the City Council last May, has been submitted to the State Dept. of Ecology. To our surprise, we find this still has not happened.



Ecology reviews and comments on each jurisdiction's draft SMP rendering an opinion on whether they believe the draft would achieve the State Shoreline Management Act's (SMA) goals. For example, they will state whether they believe Bellevue's SMP would result in *"No Net Loss of (shore) Ecological Functions"*.

Ecology's recommendations go to the City Council where these changes are typically adopted.

Included in the Ecology process is a public hearing. We will alert you when that event is announced.

City staff has informed WSSA that the submission to Ecology should occur soon, but was delayed by the need to have a *"Cumulative Impacts Analysis"* (CIA) completed. Compiled by an outside consultant, this report points to the features of the draft Bellevue SMP which achieve the SMA's goals.

To view the Cumulative Impacts Analysis report, which City staff has provided WSSA, [Click Here](#).

To view WSSA's previous information on the SMP, [Click Here](#).

To access the City's SMP website, [Clicking Here](#).

YOUR SUPPORT NEEDED

The submission to Ecology, we're told, will be 2 file boxes thick. We need to have key pieces reviewed for completeness and to assure that what was approved by the Council is what is being submitted. Having our attorney conduct this review is critical, but we can't do this without your help.

Please consider making a tax deductible, year-end contribution to WSSA soon. (More below).

CRITICAL AREAS REGULATIONS CHALLENGED - **A Spooky Similarity?**

Although Bellevue adopted its first SMP regulations in the 1970's, those rules were set aside in 2006 (nearly 10 years ago!) when the City Council adopted a Critical Areas Ordinance (CAO). These regulations are far more restrictive than the original SMP and WSSA learned City staff were promoting them to be adopted as the new shoreline regulations. WSSA further determined that the State legislature had indicated *all shorelines are not critical areas* and thus, shorelines *need not be regulated under the CAO*.

Given the legislature's position, we asked the City Council to lift its imposition of the CAO during the SMP process. **They would not and the CAO has regulated Bellevue's shorelines for the last decade.** As a result, those of you who have done a remodel or a tear-down or redone your dock have paid a high price.

We mention the above as background, because our sister organization, Common Sense Alliance (CSA), has now reached the State Supreme Court with a challenge to their local CAO. CSA represents shoreline property owners in San Juan County on the San Juan Islands. Recently, their County approved an updated CAO which included requirements for *no touch buffers* along shoreline properties. These can range to as much as 200 feet from the shoreline!



San Juan County staff and consultants argue these buffers are needed, among other things, to clean runoff prior to it entering water bodies - in this case Puget Sound. But, as CSA's attorneys point out, the drainage being "cleaned" is not just from the immediate parcel. It can come from many parcels.

Severely restricting the use of private property, when improvements to that property are not the sole source of the underlying issue, is at question. Any imposed requirements need to: a) aim to resolve the issue, and b) be in proportion to any "damages" being caused - not greater. Since upland parcels as well as

municipal drainage can contribute to drainage coming across a parcel, the shoreline property owner should not bear the burden of correcting these issues.

To read more about CSA's legal efforts, [Click Here](#).

AGAIN, WE ASK FOR YOUR SUPPORT

WSSA, like Common Sense Alliance, is a non-profit organization that relies on contributions from people like you. **Please contribute to WSSA before the end of the year.** These contributions are tax deductible, can be matched by some employers, and we provide a year end statement for tax purposes.

Send your check today (made payable to WSSA) to P.O. Box 6773, Bellevue, 98008.

INTERESTED IN HELPING WSSA? - Contact us at - sensibleshorelines@gmail.com