3193-RES
5/11/2015

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CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 8922

A RESOLUTION expressing the intent to adopt new policies and regulations contained within the proposed Shoreline Master Program update, including all conformance amendments for consistency, and authorizing the submittal of those policies, regulations, and conformance amendments to the Washington State Department of Ecology.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

WHEREAS, Chapter 90.58 of the Revised Code of Washington requires the City of Bellevue to update the City's Shoreline Master Program ("SMP") and has granted to the Department of Ecology approval authority over local shoreline management programs; and

WHEREAS, the Department of Ecology has published roughly 290 pages of laws, rules and guidance governing and facilitating the process and substance of the City's SMP update; and

WHEREAS, the City has carefully reviewed the requirements and policies contained in Chapter 90.58 RCW and Chapter 173-26 WAC and concludes they support and are consistent with the attached SMP update; and

WHEREAS, the following table summarizes the extensive public outreach and public engagement by both the City's Planning Commission and City Council in their development of the attached SMP update and additional required submittal documents, including properly noticed public hearing dates; and

SMP Public Involvement and Outreach

Association/Organization	Meeting Date
Bellefield Office Park – Brian Woidneck	May 3, 2009
Meydenbauer Yacht Club	June 12, 2009
Meydenbauer Yacht Club	June 17, 2009
Futurewise	June 25, 2009
Seattle Boat Newport	June 30, 2009
Bayshore East Condominium Owners Association	July 1, 2009
Newport Shores Community Club and Marina	July 2, 2009
Futurewise	August 27, 2009
Newport Yacht Basin	December 16, 2009
Newport Shores Community Club and Marina	February 5, 2010
Seattle Boat Newport	February 26, 2010
Councilmember Wallace	March 4, 2010
Newport Shores Community Club and Marina	March 9, 2010
Dave Douglas – Integrity Shoreline Permitting	March 12, 2010

Association/Organization	Meeting Date
Vasa Park Resort	March 11, 2010
Brian Parks – Phantom Lake property owner	April 9, 2010
Meydenbauer Yacht Club	June 23, 2010
Newport Yacht Basin Association	June 23, 2010
Greg Ashley – Ashley Design and Permitting	July 2, 2010
Ted Burns – Seaborne Pile Driving	July 2, 2010
Dave Douglas – Integrity Shoreline Permitting	July 9, 2010
Becky Henderson- Marine Restoration and Construction	July 16, 2010
Meydenbauer Bay Neighborhood Association	August 3, 2010
Bill Stazer – Sambica	August 5, 2010
Newport Shores Community Club and Marina	August 10, 2010
Meydenbauer Bay Neighborhood Association	August 11, 2010
Dallas Evans- Lake Sammamish property owner	August 12, 2010
Alfie Rahr- Phantom Lake property owner	August 13, 2010
Mike McCorkle- Sambica Rep.	August 13, 2010
Jim Kramer – Strandvick Board Rep.	August 18, 2010
Dallas Evans - Lake Sammamish property owner	August 19, 2010
WSSA	August 20, 2010
WSSA	August 26, 2010
WSSA	August 24, 2010
MBNA	September 10, 2010
Meydenbauer Yacht Club	September 15, 2010
WSSA	September 15, 2010
Newport Yacht Basin Association	September 22, 2010
Brian Parks and Utility staff	October 26, 2010
Councilmember Wallace and WSSA	October 27. 2010
Dave Douglas – Integrity Shoreline Permitting	November 19, 2010
Meydenbauer Yacht Club	March 17, 2011
Newport Shores Community Club and Marina	March 29, 2011
Greg Ashley – Ashley Design and Permitting	April 6, 2011
Charlie Klinge and WSSA	August 23, 2012
Charlie Klinge and MBNA	September 13, 2012
Charlie Klinge and WSSA	September 14, 2012

Planning Commission Meetings	
Study Sessions	March 12, 2008
	July 23, 2008
	Sept. 10, 2008
	January 28, 2009
	Feb. 25, 2009
	May 27, 2009
	July 8, 2009
	July 22, 2009
Science briefings w/ the Commission	Sept. 23, 2009
	Oct. 14, 2009
	Oct. 28, 2009
	Nov. 4, 2009
	Nov. 18, 2009
	Dec. 9, 2009
Study Sessions	Feb. 24, 2010
	March 24, 2010
	May 12, 2010
	June 9, 2010
	July 14, 2010
	July 28, 2010
	Sept. 8, 2010
	Sept. 22, 2010
	Oct. 20, 2010

Planning Commission Meetings	
	Nov. 3, 2010
	Nov. 17, 2010
	Dec. 8, 2010
	Jan. 12, 2011
	Jan. 26, 2011
	March 9, 2011
	March 23, 2011
	April 20, 2011
	May 25, 2011
	July 13, 2011
	July 27, 2011
	Sept. 14, 2011
	Oct. 26, 2011
	Dec. 14, 2011
	Jan. 25, 2012
	Feb. 22, 2012
	Mar. 28, 2012
	April 11, 2012
	June 27, 2012
	July 11, 2012
	July 25, 2012
	Sept. 26, 2012
	Nov. 14, 2012
	Nov. 26, 2012
	Dec. 12, 2012
	Jan. 16, 2013
Conformance Amendments	October 9, 2013
	November 13, 2013
	Dec. 11, 2013

Council Meetings	
	May 28, 2013
	July 15, 2013
	March 10, 2014
	April 14, 2014
	April 28, 2014
Public Hearing	May 5, 2014
	May 12, 2014
	May 27, 2014
	June 9, 2014
	June 23, 2014
	July 14, 2014
Public Hearing	August 4, 2014
	September 8, 2014
	November 4, 2014
	December 1, 2014
	April 27, 2015
	May 18, 2015

Other Boards and Commissions	
East Bellevue Community Council	June 2, 2009 and May 3, 2011
Environmental Services Commission	Oct. 1, 2009, Feb. 3, 2011 and
Parks and Community Services Board	April 14, 2009 and April 12,
Open Houses	
Overview of update process guidelines and schedule	February 25, 2009
Introduction to process, and shoreline inventory	May 21, 2009
Draft SMP	April 20, 2011
Other Outreach	
Boat Tour	September 20, 2008
Phone Survey	June-July, 2008
Residential Property Owner Focus Group	Nov. 18, 2008
Construction and Marina Industry Focus Group	February 2009
Mailers/Outreach etc.	
Boat Tour Invitation	September 2008
It's Your City	Feb. 2008, Oct. 2008, Oct. 2010, Feb. 2011
Neighborhood News	Mtg notices 2008-present Articles May 2009 and April 2011
Neighborhood Associations	Email to all spring 2008 Met with MBNA Spring 2008
Shoreline Blog	May 2009- October 2009
Project Website	January 2008-present
May 2009 Open House direct mailing	May 2009
April 2011 Open House direct mailing	April 2011
News Releases	May 2009, April 2011
Facebook posting	April 2011
City Website	May 2009, April 2011
Project Notice Signs	Posted May 2010
Research/Background Information	
Interview and Tour Marinas	February 27, 2009 March 2, 2009
Boat Street Marina – Document Design	August 10, 2010

WHEREAS, the Legislature declared the policy in RCW 90.58.020 that "[a]lterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines..."; and

WHEREAS, the Shoreline Guidelines require local master programs to contain regulatory provisions designed to achieve no net loss of ecological functions "consistent with all relevant constitutional and other legal limitations on the regulation of private property." WAC 173-26-186(8)(b)(i); and

WHEREAS, the Shoreline Guidelines require local master programs to "evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered

by the policy goals of the act," including evaluation of: "(i) Current circumstances affecting the shorelines and relevant natural processes; (2)Reasonably foreseeable future development and use of the shoreline; and (iii) Beneficial effects of any established regulatory programs under other local, state, and federal laws." WAC 173-26-186(8)(d); and

WHEREAS, the Shoreline Guidelines recognize that "methods of determining reasonably foreseeable future development may vary according to local circumstances, including demographic and economic characteristics and the nature and extent of local shorelines." WAC 173-26-186(8); and

WHEREAS, "the guidelines are not intended to limit the use of regulatory incentives, voluntary modification of development proposals, and voluntary mitigation measures that are designed to restore as well as protect shoreline ecological functions." WAC 173-26-186(8)(e); and

WHEREAS, "to the extent consistent with the policy and use preference of RCW 90.58.020" and chapter 173-26 WAC, "local governments have reasonable discretion to balance the various policy goals...in light of other relevant local, state, and federal regulatory and nonregulatory programs, and to modify master programs to reflect changing circumstances." WAC 173-26-186(9); and

WHEREAS, the City retained The Watershed Company to prepare a Shoreline Analysis Report, which concludes the majority of the City's shorelines have relatively "Low Ecological Functions;" and

WHEREAS, both the City's Planning Commission and the City Council, conducted extensive and careful review and analysis of the most current, accurate, and complete scientific information available regarding the shorelines located within the City's jurisdictional boundaries; and

WHEREAS, The Watershed Company, as well conducted a careful and extensive review of the most current, accurate, and complete scientific information available regarding the shorelines located within the City's jurisdictional boundaries and prepared a Cumulative Impact Analysis, which concludes that the proposed SMP update, when implemented over the next 20 years, will result in no net loss of ecological functions; and

WHEREAS, the proposed SMP update has been carefully integrated within the City's regulatory structure and is complementary to other Federal, State, and Local regulations; and

WHEREAS, the City's professional staff, Planning Commission, and Council have thoroughly heard and considered the competing legitimate interests of the City's residents and nonresidents, as well, and diligently developed provisions to reconcile such competing interests in this update of the City's proposed SMP; and

WHEREAS, the proposed SMP update is "Bellevue Appropriate" because it reflects relevant local circumstances and the Council's conscientious, collaborative compromises to accommodate and reconcile legitimate competing interests while meeting citywide and statewide needs within the City's discretion under Chapter 90.58 RCW and Chapter 173-26 WAC; and

WHEREAS, the proposed SMP update, among other things, includes the following features: (1) accommodation of uses that are compatible with the existing land use and ecological conditions, emphasizing appropriate location and design for new development; (2) regulatory standards that protect water quality, habitat, and vegetation along the city's shorelines; (3) mitigation standards with nexus and rough proportionality relationships to impacts; (4) consistency to the extent feasible with existing local regulations, including zoning, comprehensive plan designations, storm and surface water utility code, the storm and surface water engineering design standards, and the clearing and grading code; (5) incentives for voluntary shoreline restoration; and (6) a Restoration Plan, which establishes clear priorities and identifies resources to enable coordinated restoration of the City's shoreline while identifying and defining specific projects, predominantly on public lands, that are likely to be implemented in the foreseeable future; and

WHEREAS, the proposed shoreline policies and regulations are included with this Resolution as Attachments A1 and A2; and

WHEREAS, the City issued a SEPA Threshold Determination of Non-Significance regarding the proposed policies and shoreline regulations on May 5, 2011; and

WHEREAS, the Bellevue City Council has by separate Ordinance created a new Part 20.25E in the Bellevue Land Use Code providing for the use and development of properties located within the Shoreline Overlay District; and

WHEREAS, the purpose of the conformance amendments is to ensure that the adoption of one piece of legislation (the SMP update to Part 20.25E LUC) does not create conflicts or inconsistencies with other existing legislation (in this case the remaining provisions of the Land Use Code); and

WHEREAS, the conformance amendments will provide consistency between existing provisions of code and those new regulations proposed in the SMP update, including repeal of the City's previous SMP regulations; and

WHEREAS, the majority of conformance amendments are mechanical in nature by creating cross-references, correcting internal references and citations, clarifying which parts of the LUC are not applicable to the Shoreline Overlay District, and proposing similar clarity amendments; and

WHEREAS, the proposed conformance amendments are included with this Resolution as Attachment A3; and

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WHEREAS, the City issued a SEPA Threshold Determination of Non-Significance relating to the conformance amendments on October 3, 2013; and

WHEREAS, the City Council finds that the proposed shoreline policies and regulations, along with the conformance amendments meet the decision criteria of LUC 20.30J.135 and are consistent with the Comprehensive Plan, enhance the public health, safety, and welfare, and are not contrary to the best interest of the citizens and property owners of the City of Bellevue; and

WHEREAS, the City Council carefully considered the information in the record and the voluminous testimony from experts, citizens, and staff during the two public hearings held on May 5, 2014 and August 4, 2014, along with each additional public engagement regarding the SMP update; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Manager is hereby authorized to submit this Resolution along with the attachments and all other required submittal documents to the Washington State Department of Ecology for approval.

Passed by the City Council this 18th day of May, 2015, and signed in authentication of its passage this 18th day of May, 2015.

(SEAL)

Claudia Balducci, Mayor

Attest:

Myrna L. Basich, City Clerk