

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Shoreline Master Program Update – Public Hearing 1.

FISCAL IMPACT

There is no new fiscal impact anticipated from holding a public hearing on the Planning Commission recommendation for updates to Bellevue's Shoreline Master Program (SMP). The provision of opportunities for the public comment on the Draft SMP is necessary for completion of the Shoreline Master Program Update which is a component of the Council-endorsed Land Use Code amendment work program and a mandate required by state law.

STAFF CONTACT

Mike Brennan, Director 452-4113
Carol Helland, Land Use Director 452-2724
Development Services Department

Lacey Hatch, Assistant City Attorney 452-5284
City Attorney's Office

POLICY CONSIDERATION

Holding a public hearing on the Draft SMP Package does not pose any policy questions at this time. This hearing will provide the public an opportunity to comment on the Draft SMP Package before the City Council begins its deliberations on policy issues posed by the SMP adoption. The Council will hold study sessions in May and June to undertake an in-depth review of topics that were of greatest concern to the Planning Commission and the public. Another public hearing will be held after the study sessions to solicit public comment on the final SMP Package endorsed by the City Council.

BACKGROUND

The Shoreline Master Program Update is perhaps the most significant environmental policy/code amendment effort by the City since the adoption of the Critical Areas Overlay in 2006. The SMP applies to shorelines as they are defined by state-law. Shoreline Overlay District jurisdiction includes identified lake and/or stream waters, lands underlying those waters, the area 200 feet landward of the ordinary high watermark of identified waters, plus associated floodways, floodplains, and wetlands. In Bellevue, the Shoreline Overlay District jurisdiction specifically applies to the following waterbodies:

1. Lake Washington, including Mercer Slough upstream to Interstate 405;
2. Lake Sammamish;
3. Lower Kelsey Creek; and
4. Phantom Lake.

Like the Critical Areas Overlay, the Shoreline Master Program is an "overlay" that applies to properties located within the above-referenced shoreline jurisdiction, and modifies or augments the underlying zoning requirements that are generally applicable to development city-wide. The SMP is, however, a unique regulation in that it ultimately requires Department of Ecology approval following a showing that

the requirements of the Shoreline Management Act (SMA) and Shoreline Guidelines (Guidelines) have been met.

The Council directed staff to schedule, provide notice, and hold the May 5th public hearing in order to solicit public comment on the Draft SMP Package prior to the City Council beginning its detailed review. The draft package includes the Shoreline policies and regulations and Land Use Code conformance amendments recommended by the Planning Commission. The package also includes draft light rail use and development regulations required for consistency with the Light Rail Transit Overlay adopted by the City Council in February 2013, and a working draft of the Cumulative Impacts Analysis that was prepared by the Watershed Company. The SMP Update Package has been provided to Council in a separate three-ring binder. The full content of this binder is available for public review at the following link: <http://www.bellevuewa.gov/draft-smp-update.htm> . Hard copies of the binder are also available for review at the City Hall Records Room.

Following the public hearing, the City Council will hold study sessions on May 12, May 27 and June 9 for policy discussions regarding the following topical areas:

- Public access and recreation
- Lake levels
- Nonconforming uses/existing uses
- Setbacks/buffers
- Vegetation conservation
- Critical areas
- Docks
- Shoreline stabilization
- Floodplains

The purpose of the May 5, 2014 public hearing is to provide the City Council an opportunity to take written and oral comments regarding the Draft SMP Package. Any person may participate in the public hearing by providing oral comments on the night of the hearing. Written comments may be submitted to the City Council in care of Myrna Basich, City Clerk, P.O. Box 90012, Bellevue, WA 98009, or to Carol Helland, Development Services Department, City of Bellevue, P.O. Box 90012, Bellevue, Washington, 98009-9012 or by e-mail to chelland@bellevuewa.gov. All written comments received by 5:00 pm on May 5th will be transmitted to the City Council no later than the date of the public hearing.

OPTIONS

1. Open the Public Hearing and accept public comments regarding the Draft SMP Package
2. Do not open the Public Hearing and provide the staff with alternative direction.

RECOMMENDATION

Open the Public Hearing and accept public comments regarding the Draft SMP Package

MOTION

I move that the City Council open the Public Hearing and accept public comment on the Draft Shoreline Master Program Package.

ATTACHMENT

Notice of Public Hearing

For Seattle Times publication on April 21, 2014

CITY OF BELLEVUE
CITY COUNCIL
PUBLIC HEARING NOTICE
City of Bellevue Draft Shoreline Master Program

Rules of Procedure are available at the City Clerk's Office

NOTICE IS HEREBY GIVEN that the **Bellevue City Council** will hold a public hearing during its 8:00 pm Regular Session meeting on **Monday, May 5, 2014**, in Council Chambers in Bellevue City Hall, 450 110th Ave NE, Bellevue, to consider amendments to the Bellevue Land Use Code (LUC) and Comprehensive Plan recommended by the Planning Commission to update the City's Shoreline Master Program (SMP). The updated master program will reside as a stand-alone SMP codified within Chapter 20.25E LUC and apply to all areas of the City within the shoreline jurisdiction. The comprehensive SMP amendment is intended to supplant the City's existing SMP in its entirety. The proposal also includes conformance amendments to other land use code sections, including the Critical Areas Overlay District Part 20.25H LUC to ensure internal consistency with the SMP as required under the Growth Management Act, Chapter 365.70A RCW. The proposed amendments are needed to comply with the statutory deadline for comprehensive update of the local Shoreline Master Program pursuant to RCW 90.58.080. Refer to the project web page for more information <http://www.bellevuewa.gov/draft-smp-update.htm> or contact the project applicant noted below.

The purpose of the May 5, 2014 public hearing is to provide the City Council an opportunity to take written and oral comments regarding the Draft Shoreline Master Program recommended by the Planning Commission.

Meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone 425-452-7810 or 711 (TDD Relay Service) if you require interpretation services by 5:00 p.m. on Thursday, May 1. Assisted Listening Devices are also available upon request.

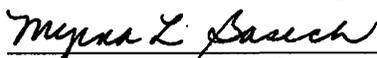
Comments: Any person may participate in the public hearing by submitting written comments to the City Council in care of Myrna Basich, City Clerk, P.O. Box 90012, Bellevue, WA 98009, or the Director of the Development Services Department at the same address before the public hearing, or by submitting written comments or making oral comments to the City Council at the hearing. All written comments received by the City Clerk or Director will be transmitted to the City Council no later than the date of the public hearing. Written comments will also be accepted and may be mailed or e-mailed to Carol Helland, Development Services Department, City of Bellevue, P.O. Box 90012, Bellevue, Washington, 98009-9012 or by e-mail to chelland@bellevuewa.gov. Comments must be received by 5:00 pm. on May 5, 2014.

Applicant Contact: Carol Helland, City of Bellevue Development Services Department, 425-452-2724.

Questions relating to the public hearing process: Myrna Basich, City Clerk, 425-452-2733.

City Council Regular Session
Monday, May 5, 2014; Meetings starts at 8:00 PM
Bellevue City Hall, Council Chambers
450 110th Avenue NE, Bellevue, WA

Affidavit of posting has been filed with the City Clerk for the Bellevue City Council.



Myrna Basich, City Clerk

Dated this 16th day of April, 2014.