



# MEMORANDUM

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DATE: January 5, 2011

TO: Chair Ferris and Members of the Planning Commission

FROM: Shoreline Master Program Update Team

SUBJECT: Policy and Code Development in Preparation for the Public Hearing on the Shoreline Master Program Update

Since the last Planning Commission meeting on December 8, staff has worked to develop the policies and codes required for a new Shoreline Master Program that incorporates direction received from the Planning Commission in 2010. Specifically, the elements of the complete Plan will ultimately include:

1. A new Shoreline Element of the City of Bellevue Comprehensive Plan, Title 21 BCC.
2. A new Shoreline Overlay District of the Land Use Code, Part 20.25E LUC.
3. A revised Critical Areas Overlay District of the Land Use Code, Part 20.25H LUC, to remove references to shoreline critical areas.
4. New Shoreline Environments Designation Maps.
5. New Shoreline Jurisdiction Maps.
6. The Shoreline Inventory and Characterization.
7. A new Shoreline Restoration Element.
8. A Shoreline Cumulative Impacts Analysis (this analysis is done on the final Shoreline Master Program Package that is recommended by the Planning Commission).

Despite best efforts by staff, not all of these elements have been completed to incorporate feedback received from the Planning Commission toward the end of last year. As a result, staff will be providing the Plan in installments to facilitate continued progress toward development of the public hearing draft, and scheduling of an informational open house and the required public hearing.

## **Action Requested**

No action is requested at this meeting. Staff will provide the first installment of policy and code documents as described in greater detail below.

## **January 12<sup>th</sup> Meeting Materials and Topics**

At the meeting on January 12<sup>th</sup>, staff will provide the Planning Commission with the first installment of the Shoreline Master Program (SMP) package in preparation for setting the open house and public hearing schedule. This January 12<sup>th</sup> SMP Installment will include:

1. The Shoreline Element of the City of Bellevue Comprehensive Plan, Title 21 BCC.
2. The authority, procedures, permits and decisions, and administration and enforcement sections of the Shoreline Overlay District of the Land Use Code, Part 20.25E LUC. Refer to Attachment A for a full outline of the Shoreline Overlay District part of the LUC.
3. Reference documents including the Shoreline Management Act provisions from the Revised Code of Washington (RCW), and the Ecology rules governing shoreline permits, enforcement and administration that are contained in the Washington Administration Code (WAC).

The maps and the Shoreline Inventory and Characterization were previously provided to the Planning Commission. These have not been modified since they were last discussed on November 17, 2010, because no direction was received to change these documents prior to the public hearing. Therefore, in an effort to save on printing costs, staff is asking the Planning Commission to rely on documents that were previously provided in hard copy, together with the revisions described in the November 17 Planning Commission packet materials. These documents are also available on the website at the following link:

[http://www.bellevuewa.gov/shoreline\\_management\\_documents.htm](http://www.bellevuewa.gov/shoreline_management_documents.htm) .

The following map and inventory/characterization documents will be re-released with the complete Shoreline Master Program when the notice of public hearing is provided.

1. New Shoreline Environments Designation Maps.
2. New Shoreline Jurisdiction Maps.
3. The Shoreline Inventory and Characterization.

The January 12<sup>th</sup> meeting will focus on the organization of the Shoreline Master Program. In addition, the January 12<sup>th</sup> SMP Installment will include revised and consolidated Shoreline Element Policies for the Comprehensive Plan, and staff will introduce administrative and procedural sections of the Shoreline Overlay District code that the Planning Commission has not previously seen. The outline included in Attachment A notes which sections of the Shoreline Overlay District code are provided for the January 12<sup>th</sup> SMP Installment and which will be provided for the January 26<sup>th</sup> SMP Installment.

### **January 26<sup>th</sup> Meeting Materials and Topics**

At the meeting on January 26<sup>th</sup>, the Planning Commission will have the complete Shoreline Master Program package in preparation for setting the open house and public hearing schedule. This January 26<sup>th</sup> Installment will include the balance of the Shoreline Overlay District of the Land Use Code, Part 20.25E LUC, and specifically the uses and development regulations. Refer to Attachment A for a full outline of the Shoreline Overlay District part of the LUC. Staff will also provide the permit timeline and cost information that was requested by the Planning Commission at the end of last year to facilitate review of the administrative and permitting provisions. The Shoreline Restoration Element also will be presented with revisions directed by the Planning Commission during the December 2010 meeting.

The January 26<sup>th</sup> meeting will focus on answering questions that the Planning Commission may have regarding the complete Shoreline Master Program, and the Planning Commission will be asked to accept the draft in preparation for holding the open house and the public hearing. If the Planning Commission is satisfied with the draft, staff would like feedback on scheduling an informational open house in February and the required public hearing in March. If the Planning Commission requires additional review time or directs staff to make changes to the documents prior to accepting the revised draft in preparation for public hearing, the February 9<sup>th</sup> meeting can be used for that purpose.

### **February 9<sup>th</sup> Meeting Materials and Topics**

In addition to any topics that may be carried-over from January 26<sup>th</sup>, the February 9<sup>th</sup> meeting will be used to introduce the Planning Commission to any policy and land use code consistency amendments that are necessary to ensure seamless integration of the new Shoreline Master Program within existing plans and codes. For example, the procedures section of the land use code contained in Chapter 20.35 LUC will need to be amended to delete references to shoreline permits, because the shoreline permit provisions will live entirely in the Shoreline Overlay District section to simplify applicant use and streamline code administration. Another example, is the deletion of some shoreline provisions that will be necessary from the critical areas code contained in Part 20.25H LUC. These changes are generally non-substantive in nature and intended to remove code conflicts and/or duplications.

This installment method for code presentation was last used during review of the BelRed Overlay District code development to breakdown Planning Commission review into manageable parts, and to prepare the policy and code drafts for public hearing. After the public hearing, the Planning Commission will need to undertake deliberations necessary to craft its final recommendation. Individuals who have been following the Shoreline Master Program update process have asked the Planning Commission to prepare a calendar that outlines the topics of deliberation for each meeting following the public hearing. This will assist the public in selecting the meetings that they are most interested in attending. That requested calendar can be prepared once the public hearing has been held and the Planning Commission has a better idea about the scope of review that will be necessary to consider the comments received.

The Shoreline Master Program Update Team hopes this approach will assist the Planning Commission in its preparations for the public hearing. Staff looks forward to working with the Planning Commission to support this next phase of the update process.

**ATTACHMENT A**  
**Shoreline District Overlay – Part 20.25E.LUC**

**I. AUTHORITY [January 12<sup>th</sup> SMP Installment]**

**20.25E.010 General**

- Authority
- Shoreline Master Program Elements
- Scope
- Environmental Designations
  - Aquatic
  - Urban Conservancy
  - Urban Conservancy-Open Space
  - Shoreline Residential
  - Shoreline Residential Canal
  - Recreational Boating
- Shoreline Environment Designation Maps
- Shorelines of Statewide Significance

**II. USES [January 26<sup>th</sup> SMP Installment]**

**20.25E.020 Non-Conforming Uses and Structures**

- Definitions Specific to the Section
- General Provisions
- Non-conforming development within the Primary Structure Setback
- Nonconforming Development within the Vegetation Conservation Setback
- Nonconforming Overwater Structures
- Nonconforming Moorage and Shoreline Stabilization

**20.25E.030 Shoreline Uses**

- Applicability
- Use Chart Described
- Priority of Uses in the Shoreline
- Prohibited Uses in Shoreline Jurisdiction

**20.25E.040 Shoreline Use Charts**

**III. DEVELOPMENT REGULATIONS [January 26<sup>th</sup> SMP Installment]**

**20.25E.050 Dimensional Requirements**

- General (includes chart)
- Shoreline Setbacks - General
- Shoreline Setback Dimensions

## **20.25E.060 General Requirements Applicable to All Shoreline Development and Uses**

- Applicability
- No Net Loss of Ecological Function
- Development and Uses in the Shoreline Jurisdiction
- Archaeological and Historic Resources
- Critical Areas in Shoreline Jurisdiction (reference to CAO)
- Parking (Accessory)
- Public Access
- Signage
- Vegetation Conservation and Landscaping Requirements
- Water quality, stormwater, and nonpoint pollution

## **20.25E. 070 Specific Use Regulations**

- Agriculture
- Aquaculture
- Commercial
- Recreation
- Residential
- Transportation
- Utilities

## **20.25E.080 Shoreline Modifications**

- Applicability
- General Design Requirements
- Breakwaters, Jetties, and Groins
- Clearing, Grading and Fill
- Dredging and Disposal
- Moorage (Overwater structures)
- Shoreline Stabilization

## **IV. PROCEDURES [January 12<sup>th</sup> SMP Installment]**

### **20.25E.100 Review and Appeal Procedures**

- Purpose and Scope
- Framework for Decisions
- General Provisions Applicable to all Shoreline Project Decisions
- Notice Procedures Applicable to Shoreline Project Decisions

**20.25E.110 Shoreline Process I – Quasi Judicial Decisions**

- Process Described
- Public Meetings
- Director’s Recommendation
- Notice of Recommendation, SEPA Determination, and Hearing Examiner Hearing
- Hearing Examiner Public Hearing
- Hearing Examiner Decisions on Process I Applications
- Appeal of Hearing Examiner Process I Decision to City Council

**20.25E.120 Shoreline Process II – Administrative Decisions**

- Process Described
- Public Meetings
- Special Timing Reqts for Issuance of Certain Shoreline Substantial Development Permits
- Director’s Decision
- Notice of Process II Decision
- Appeal of Director’s Process II Decision

**20.25E.130 Shoreline Process III – Ministerial Decisions**

- Process Described
- Appeal of Director’s Process III Decision

**20.25E.140 Legislative Non-Project Actions**

- Process

**V. PERMITS AND DECISIONS [January 12<sup>th</sup> SMP Installment]**

**20.25E.150 Shoreline Project Permits**

- Scope
- Applicability
- Review Criteria for all Shoreline Applications

**20.25E.160 Shoreline Substantial Development Permits**

- Permit Required
- Applicability
- Purpose
- Decision Criteria
- Special Shoreline Report
- Transmittal to Ecology
- Commencement of Activity
- Revisions

### **20.25E.170 Exemptions from Shoreline Substantial Development Permits**

- Letter of Exemption Required
- Applicability
- Purpose
- Criteria for Issuance of Letter of Exemption
- Transmittal to Ecology
- Effective Date

### **20.25E.180 Shoreline Conditional Use Permit**

- Scope
- Applicability
- Purpose
- Limitation on Filing
- Decision Criteria
- Transmittal to Ecology
- Commencement of Activity
- Amendment to an Approved Shoreline CUP
- Merger with Binding Site Plan
- Periodic Review
- Modification/Revocation

### **20.25E.190 Shoreline Variance**

- Scope
- Applicability
- Purpose
- Limitation on Filing
- Decision Criteria
- Transmittal to Ecology
- Commencement of Activity

### **20.25E.200 Amendments to the Text of the Shoreline Master Program**

- Scope
- Applicability
- Purpose
- Who May Initiate
- Applicable Procedure
- Decision Criteria
- Transmittal to Ecology
- Appeal of the City Council Decision

## **VI. ADMINISTRATION AND ENFORCEMENT [January 12<sup>th</sup> SMP Installment]**

### **20.25E.250 Administration**

Purpose

Applicability

Administrative Provisions Specific to the Shoreline Master Program

### **20.25E.260 Enforcement**

### **20.25E.270 Interpretation and Conflicts**

### **20.25E.300 Definitions Specific to the Shorelines Overlay**