



MEMORANDUM

DATE: January 20, 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 January 12th, staff has worked to develop the January 26th Installment of the Shoreline Master Program (SMP) package to facilitate continued progress toward development of the Bellevue SMP public hearing draft.

Action Requested

The Planning Commission will be asked to accept the draft elements of the Bellevue SMP that have been provided to-date in preparation for holding the open house and the public hearing. Please bring the SMP Notebook that was provided to you on January 12th in addition to the packet materials provided for the January 26th meeting.

January 12th Meeting Materials and Topics

At the January 12th meeting, staff provided the Planning Commission with the first installment of the Bellevue SMP package in preparation for setting the open house and public hearing schedule. The January 12th SMP Installment included:

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.
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 Administrative Code (WAC).

The Shoreline Inventory and Characterization and the shoreline maps were previously provided to the Planning Commission. The Shoreline Inventory and Characterization was provided to the Planning Commission and discussed by the Watershed Company during the January 28, 2009 study session. The shoreline maps were originally provided with the Planning Commission Working Draft dated May 12, 2010. Map modifications were discussed with the Planning Commission on November 17, 2010, and the Planning Commission tentatively accepted them for the public hearing draft, as modified, pending review of the balance of the SMP.

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 .

The following map and inventory/characterization documents will be re-released with the November 17 revisions as part of the complete SMP 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 12th meeting focused on orienting the Planning Commission to the content included in the SMP in preparation for the Planning Commission study session scheduled for January 26th. During this meeting, the Planning Commission expressed the desire for staff to provide remaining components of the SMP by its February 9th study session in order to facilitate scheduling of an informational open house in February and the required public hearing in March. Consistency and clean-up amendments were scheduled to be provided to the Planning Commission on February 23rd. Due to the non-substantive nature of these amendments, earlier delivery was not viewed as integral to scheduling of the open house and public hearing.

January 26th Meeting Materials and Topics

At the meeting on January 26th, the Planning Commission will have the policies, and the administrative and procedural sections of the SMP. The January 26th SMP Installment included with this packet contains the following:

1. Shoreline Uses Described – 20.25E.020 [Insert in the SMP Notebook at Tab II]
2. Shoreline Use Charts – 20.25E.030 [Insert in the SMP Notebook at Tab II]
3. Draft Shoreline Restoration Plan revised to incorporate Planning Commission feedback received during the December 8th study session [Insert in the SMP Notebook at Appendix Tab D]

Attachment A includes an updated outline of the Shoreline Overlay District part of the LUC. This should replace the outline that was provided on January 12th behind the “City of Bellevue SMP – Outline” tab of your SMP Notebook. The goal for the January 26th study session will be for staff to answer Commission questions to enable the Planning Commission to accept the draft elements of the Bellevue SMP that have been provided to-date in preparation for holding the open house and public hearing.

At the meeting, staff will present 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.

February 9th Meeting Materials and Topics

At the meeting on February 9th, the Planning Commission will have the complete Bellevue SMP package in preparation for setting the open house and public hearing schedule. This February 9th SMP Installment will include the balance of the Shoreline Overlay District of the Land Use Code, Part 20.25E LUC, and specifically the nonconforming use and development regulations. Refer to Attachment A for a full outline of the Shoreline Overlay District part of the LUC.

The February 9th meeting will focus on answering questions that the Planning Commission may have regarding the complete SMP, 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 confirmation on scheduling an informational open house in late February or early March and the required public hearing in late 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 23rd meeting can be used for that purpose.

February 23rd Meeting Materials and Topics

In addition to any topics that may be carried-over from February 9th, the February 23rd 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 SMP 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.

The Shoreline Master Program Update Team hopes these materials are useful to the Planning Commission in its preparations for the public hearing. Staff looks forward to continuing its support of the Planning Commission work on this next phase of the update process.

ATTACHMENT A
Shoreline District Overlay – Part 20.25E.LUC

I. AUTHORITY [January 12th SMP Installment]

20.25E.010 General

- Authority
- Shoreline Master Program Elements
- Scope
- Environment Designations (Shoreline Use Districts)
 - Aquatic
 - Urban Conservancy
 - Urban Conservancy-Open Space
 - Shoreline Residential
 - Shoreline Residential Canal
 - Recreational Boating
- Shoreline Environment Designation Map
- Shorelines of Statewide Significance

II. USES

20.25E.020 Shoreline Uses [January 26th SMP Installment]

- Use Preferences
- Applicability of the Use Charts
- Use Chart Interpretation
- Prohibited Uses in Shoreline Jurisdiction

20.25E.040 Shoreline Use Charts [January 26th SMP Installment]

20.25E.020 Non-Conforming Uses and Structures [February 9th SMP Installment]

- 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

III. DEVELOPMENT REGULATIONS [February 9th 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 12th 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 on a Process I Application
- 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 Reqs for Issuance of Certain Shoreline Substantial Development Permits
- Director’s Shoreline Process II 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 Shoreline Process III Decision

20.25E.140 Legislative Non-Project Actions

- Process
- Appeal of City Council Decision

V. PERMITS AND DECISIONS [January 12th SMP Installment]

20.25E.150 Shoreline Project Permits

- Scope
- Applicability
- Review Criteria for all Shoreline Applications
- Filing Permit with Ecology/Attorney General
- Revisions to Issued Shoreline Process I and II Permits and Approvals

20.25E.160 Shoreline Substantial Development Permits

- Permit Required
- Applicability
- Purpose
- Decision Criteria
- Special Shoreline Report
- Effective Date
- Commencement of Activity

20.25E.170 Exemptions from Shoreline Substantial Development Permits

- Purpose
- Letter of Exemption Required
- Issuance of Letter of Exemption – Projects and Activities Described
- Application and Interpretation of Exemptions
- Effective Date
- Commencement of Activity

20.25E.180 Shoreline Conditional Use Permit

- Scope
- Applicability
- Purpose
- Limitation on Filing
- Decision Criteria
- Effective Date
- Appeals of Department of Ecology Final Decisions
- Commencement of Activity
- Revisions 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
- Effective Date
- Appeals of Department of Ecology Final Decisions
- 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
- Effective Date

VI. ADMINISTRATION AND ENFORCEMENT [January 12th 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

Rules of Statutory Construction

Requests for Written Interpretation

20.25E.300 Definitions Specific to the Shorelines Overlay