



DATE: July 11, 2012

TO: Chair Carlson and Members of the Planning Commission

FROM: Carol Helland, Land Use Director 452-2724
Shoreline Update Team
Development Services Department

RE: Planning Commission SMP Redraft

Introduction

At the July 11 meeting, staff will introduce the Planning Commission's redraft of Bellevue's previously issued Draft SMP. The redraft was publicly released on July 5, 2012 and incorporates changes made in response to review and comment on the May 2011 Draft SMP. Included in your packet are copies of the Planning Commission Redrafted SMP (P.C. Redraft SMP), in both strike-draft and clean copy, together with a table outlining substantive changes directed by the Commission. Also included is a guide to the annotations found in the margins of strike-draft. Although the Planning Commission reviewed the entirety of the 2011 Draft SMP, most of the substantive changes have to do with regulation of residential property. In preparation for this meeting, Commission members were separately briefed by staff regarding the revised language and direction taken by staff.

Electronic copies of the documents are available for public review on the City website under the Planning Initiatives tab, and on the Planning Commission website under Shoreline Master Program Update. Printed copies of the materials are also available for review at Bellevue City Hall. The City Hall Records Room is located at 450 110th Ave NE, Bellevue, WA (First Floor).

Planning Commission Directed Changes

Because the vast majority of public comments on the 2011 Draft SMP were focused on the impact of the proposed regulations on residential properties, the Commission spent most of its time addressing those concerns. An underlying premise supporting their review is the importance of property rights and the right for shoreline property owners to enjoy their property with the minimum of regulatory intrusion. The Commission's expressed intent is to meet the state requirement to ensure no net loss of ecological function, while developing a set of local regulations that reflect Bellevue's urbanized shoreline and the need to protect vibrant and livable neighborhoods.

Some of the most important substantive changes requested by the Commission include the following:

Shoreline Setbacks

- Shoreline setback was revised from 50 feet to 25 feet from Ordinary High Water Mark (OHWM)
- A new fixed OHWM was established in the code for Lake Sammamish (30.6 NAVD 88), Lake Washington (25.10 NAVD 88) and Phantom Lake (260.7 NAVD 88)
- Lateral expansion of structures located within the setback was authorized per City of Sammamish requirements
- The 10 percent Mercer Island limitation for impervious surface was established for the shoreline setback and 25 percent limitation was added for the second 25 feet measured from OHWM.

Vegetation Conservation

- The requirement for a vegetation conservation area was deleted from the shoreline residential and recreational boating environments and reference to city-wide tree preservation requirements was put in its place.
- The references to expansion in and out of the vegetation conservation area and the options chart were deleted
- The nonconforming standards for vegetation conservation area were deleted.

Residential Moorage

- Most of the new dock performance standards were eliminated and replaced with deference to state and federal approval
- Modified repair standards to allow 100 percent repair of legally-established docks provided work uses grating (above a certain threshold) and incorporation of new materials subject to requirements of state and federal agencies.

Shoreline Stabilization

- The distinction of between minor and major repair of shoreline stabilization was deleted and replaced with a requirement that legally-established stabilization may be repaired and replaced in its existing configuration

Nonconforming Single-Family Development

- The nonconforming standards were modified to make conforming all lawfully constructed residential structures that encroach on the shoreline structure setback .
- Existing lawfully constructed structures that are destroyed would be allowed to be replaced in their same footprint.
- All existing lawfully constructed structures would be allowed to be maintained and repaired.

Public Access

- Removed public access requirements for private projects of all kinds and refocused them on public infrastructure projects

Recreation

- Modified this section in response to issues raised by the Meydenbauer Yacht Club regarding: educational and cultural activities; what constitutes maintenance, repair, and minor expansion; and, eliminated the public access requirement for overwater structures.

Meydenbauer Park

- A footnote was added on each use chart noting that a Council-adopted Master Plan is required for the Meydenbauer Bay Park;
- A reference was added in each footnote to the “Implementation Principles” in addition to the broader Park Plan
- Staff developed a hybrid process for review of permits submitted for Meydenbauer Bay Park development that would provide for heightened notice, a public meeting, and a public hearing before a Hearing Examiner.

Changes for Consistency and Simplification

- Numerous changes were made to enhance consistency, improve clarity, or eliminate redundancy.

Recommendations for Review

As noted above, staff has provided Commission members with two bound copies each of the P.C. Redraft SMP; one bound volume contains a strike-draft (comb binding) and the other volume a clean copy (coil binding). Staff recommends that the Commission begin its review with the strike-draft using the attached Planning Commission direction summary (Attachment A) and accompanying annotation guide (Attachment B) to help guide progress. Should the Commission want to better understand the full impact of the recommended changes, the clean draft (coil binding) offers a text that is easier to read. Note that the Planning Commission Direction table has a column that you may use to record your notes by chapter and topic.

Upcoming SMP Review Schedule

The Planning Commission has expressed a desire to work through the P.C. Redraft SMP in a deliberate manner so as to be as inclusive and thorough as possible while recognizing the need to wrap up a project begun more than four years ago when the City first accepted grant funding from the Department of Ecology to underwrite the SMP Update. The Commission has tentatively scheduled time in July and September to review this redrafted document. The Commission also plans to review outstanding comments to the Restoration Plan during this same period. Comments regarding the P.C. Redraft SMP may be submitted during this time, and the Planning Commission will need to determine whether to modify the Redraft in response to these new

comments. Once Commission review of the P.C. Redraft SMP is complete, staff will work with the Planning Commission to craft a formal transmittal delivering the redrafted to City Council.

July 11, 2012

- Introduction to SMP Redraft and Review

July 18, 2012 (possible added meeting)

- Further Review of SMP Redraft

July 25

- Further review of the SMP Redraft

September 12

- Further review of the SMP Redraft

September 26

- Transmittal Direction

Staff Contact Information

Questions or comments regarding the Draft SMP may be directed to staff on the Shoreline Master Program Update Team via telephone or email as identified below. Comments may also be submitted electronically via the SMP Update email box at shorelines@bellevuewa.gov .

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Attachments

- A. Table of Planning Commission Direction
- B. Description of Annotations found in the text

Section	PC Direction/ Revised Draft Change	PC Redraft Review Notes
I. Authority		
20.25E.010.B General	Clarified documents included in SMP but which are non-regulatory	
.010.C.2 Shoreline Overlay Jurisdiction	Revised to measure jurisdiction from static elevation.	
II. Uses		
20.25E.020 Shoreline Uses	Revised P to SSDP to clarify that permitted uses may still be subject to shoreline substantial development permit process.	
20.25E.030 Shoreline Use Charts	<p>Added footnote to all use charts referring to Council-adopted Master Plan requirement for the Meydenbauer Bay Park, and uses are limited to those identified in the Council-adopted Master Plan and Implementation Principles</p> <p>Added reference to Permitted Use may be subject to Shoreline Substantial Development Permit requirements</p> <p>Added language regarding City System or Facility and applicable process requirements</p> <p>Addressed applicable permit process for upland components of a shoreline use</p>	

Section	PC Direction/ Revised Draft Change	PC Redraft Review Notes
	Included specific criteria for Meydenbauer Bay Park	
20.25E.040 Nonconforming Shoreline Conditions	Clarified nonconforming section does not apply to residential. Residential specific standards are found in .065.	
III. Development Regulations		
20.25E.050 Dimensional Requirements		
.050.A chart	Revised structure setback dimensions for Shoreline Residential and Recreation Boating environments to 25 feet.	
.050.A Chart Footnotes	Deleted footnote 2 which referred to vegetation conservation area in Shoreline Residential environment.	
.050.B.2	Added OHWM references for Lake Washington (per Planning Commission direction to follow Mercer Island draft), Sammamish and Phantom Lake	
.050.B.3	Deleted standard limiting disturbance in Shoreline Structure Setback	
.050.C	Shoreline Impervious Surface deleted detail and referenced out to 20.20.460 for applicable	

Section	PC Direction/ Revised Draft Change	PC Redraft Review Notes
	standards	
20.25E.060 General Requirements Applicable to AI Shoreline Development and Uses		
.060.B.1	No Net Loss Required Revised to “Shoreline uses and development are required to ensure no net loss of ecological functions and processes.” All other language deleted.	
.060.C.1	Technical Feasibility Analysis Clarified this section does not apply to residential and that the use charts in 20.25E.030 describe when the feasibility analysis is required.	
.060.D Mitigation Sequencing	Rename to “Mitigation Requirements and Sequencing”	
.060.D.1	Mitigation Plan Requirements Add clarification of when mitigation plans are triggered (i.e. SCUP, Variance, Special Shorelines Report)	
.060.D.5.c Timing of Work	Clarified section so language is clear this pertains to installation of the mitigation and not monitoring/performance.	
.060.D.5.d	Monitoring Program	

Section	PC Direction/ Revised Draft Change	PC Redraft Review Notes
	Revised provision to include 1 year standard for residential development and 3/5 year standard for nonresidential (modeled after critical areas provisions 20.25H.220.D).	
.060.D.5.h	Clarified provision refers to temporary construction disturbance	
.060.G Critical Areas	Clarified via comment that a code amendment will be necessary to Part 20.25H Critical Areas Overlay District to delete provisions related to regulation of Shoreline Critical Areas	
.060.H Accessory Parking	<p>Added “shoreline setback” to clarify that accessory parking can be located within the shoreline setback. Edit made in response to comments received from the MBYC.</p> <p>Edit made to clarify that parking in the shoreline setback and/or vegetation conservation area is allowed for all water dependent recreation uses when no technically feasible alternative exists. Edit made in response to comments from MBYC.</p>	
.060.I Public Access	Revised to remove requirement for residential and non-public uses	
.060.J Signage	Added prohibition for floating signs.	

Section	PC Direction/ Revised Draft Change	PC Redraft Review Notes
.060.K Vegetation Conservation	<p>Deleted reference to vegetation conservation in residential.</p> <p>Edited to reference out to LUC City-wide tree retention and landscaping standards outside the vegetation conservation area.</p>	
.060.L Water quality, stormwater, and nonpoint source pollution	<p>Provision edited per Planning Commission direction to note responsibility for control of water quality, storm water, and non point source pollution is a city-wide obligation that is not borne entirely by property owners with land located within the Shoreline Overlay District</p>	
20.25E.065 Residential Shoreline Regulations		
.065.B.2.i	<p>Deleted general reference to tree preservation in shoreline jurisdiction. Consolidated issue under Vegetation Conservation heading .065.(H).F</p>	
.065.B.2.k	<p>Provision edited per Planning Commission direction to note responsibility for control of water quality, storm water, and non point source pollution is a city-wide obligation that is not borne entirely by property owners with land located within the Shoreline Overlay District</p>	
.065.B.2.l Shoreline Residential Subdivision and Short Subdivision	<p>Edited to remove lot clustering and vegetation</p>	

Section	PC Direction/ Revised Draft Change	PC Redraft Review Notes
	<p>conservation references and added reference to additional requirements found in Part 20.45 LUC per Planning Commission direction to identify all areas of code which apply.</p>	
<p>Chart .065.C Shoreline Dimensional Requirements for Residential Uses</p>	<p>Revised setback dimension for Shoreline Residential environment and modified standards per Mercer Island from 50 to 25 feet.</p> <p>Deleted all references to vegetation conservation area.</p>	
<p>.065.D</p>	<p>Deleted specific language in this section and revised to clarify impervious surfaces in the Shoreline Overlay District are regulated pursuant to LUC 20.20.460, except that the impervious surface limits contained in LUC Chart 20.25E.065.C may only be modified through the shoreline variance process.</p>	
<p>.065.E Residential Structure Setback</p>	<p>Revised dimension to 25 feet per Mercer Island draft.</p> <p>Added OHWM references for Lake Washington (per Planning Commission direction to follow Mercer Island draft), Lake Sammamish and Phantom Lake</p> <p>Expanded footprint exception to apply to all existing legally established structures not just primary structures located in the structure setback. Removed reference to vegetation conservation.</p>	

Section	PC Direction/ Revised Draft Change	PC Redraft Review Notes
	<p>Added expansion provisions per Sammamish SMP.</p> <p>Deleted public hearing draft provisions which allowed expansion per prescriptive standards and menu option.</p>	
.065.G Landscape Development	<p>Section deleted per Planning Commission direction. All vegetation standards found in .065.F redraft section.</p>	
.065.(H).F Vegetation Conservation	<p>Deleted specific standards for vegetation conservation. Section relies upon city-wide tree preservation standards in section LUC 20.20.900</p>	
.065.(I).H Residential Moorage (Overwater Structures).	<p>Revised specific dock dimensions for new docks. Maintained setback, length, walkway, and maximum size unless otherwise allowed by other permitting agencies. Tailored after Kirkland SMP.</p> <p>Clarified provisions for repair and replacement. Existing, legally-established residential docks may be repaired or replaced in the existing configuration. Surface over a minimum threshold must be grated.</p>	
.065.(J).I Nonconforming	<p>Removed reference to vegetation conservation.</p> <p>Removed language about accessory structures. Legally established accessory structures are not nonconforming and can be rebuilt in same footprint.</p>	

Section	PC Direction/ Revised Draft Change	PC Redraft Review Notes
20.25E.070 Specific Use Regulations		
.070.C Recreation	Incorporated additional flexibility to allow minor marina reconfigurations.	
.070.E Utilities	Clarified this section does not apply to ancillary residential utility connections.	
20.25E.080 Shoreline Modifications		
	New- kept direction from Public Hearing draft	
	Repair/ Replace- removed distinction between major and minor repair and allowed repair or replacement of all legally established hard stabilization	
IV. Procedures		
20.25E.100-140 C. General Procedures	Clarified submittal requirements and completeness.	
V. Permits and Decisions		
20.25E.150-190	No substantive edits.	

*City of Bellevue Draft SMP
July 5, 2012 PC SMP Redraft*

New Annotations

P.C. SMP Redraft Direction: Specific direction provided by the Planning Commission in their review of the Public Hearing Draft SMP

Consistency Edit: Revised language to make consistent with Planning Commission direction but which was not specifically identified in discussions.

Clarity Edit: Responsive to public comment regarding lack of clarity of provision, or responsive to generalized comment from Planning Commission for simplification.

Redundancy Deletion: Provision deleted to remove unnecessary redundancy.

Original Annotations

Modeled After: Provisions which were modeled after other jurisdiction SMPs.

P.C. Direction: Direction received by the Planning Commission in the development of the Public Hearing Draft SMP.

WAC: Washington Administrative Code Refers to Shoreline Management Guidelines.

RCW: Revised Code of Washington. Refers to either Local Project Review or Shoreline Management Act.

LU Code: Land Use Code. Identified language also found in the Land Use Code that was incorporated into the Public Hearing Draft.

Bellevue Specific Approach: Standards which were tailored to unique Bellevue conditions.