



DATE: January 11, 2013

TO: Chairman Carlson and Members of the Planning Commission

FROM: Paul Inghram, AICP  
*Planning and Community Development*

SUBJECT: Shoreline Master Program

At the previous Planning Commission meeting December 12, the Commission completed review of the draft Shoreline Master Program, including recent edits to code sections LUC 20.25E.080, .065, and .280, and re-reviewing the draft policies to ensure that they remained consistent with the direction of the overall SMP.

Prior to making a recommendation to Council, the Commission identified a small number of outstanding issues, including the shoreline setback and vegetation protection provisions. Commissioners Tebelius, Ferris and Laing were charged with looking at those standards and determining whether they could identify an alternative proposal for setbacks and vegetation protection that might have broader acceptance among commissioner. Commissioners Tebelius, Ferris and Laing talked several times over the holidays and developed a concept for applying the City's existing greenscape standard to the shoreline area. The commissioners saw this as a way to prevent unintended outcomes of shoreline setback areas from becoming entirely paved with hardscape and as a way to help preserve areas of vegetation.

Staff is working to draft the proposal in the form of a revised SMP code section for the Commission's consideration at the meeting. A summary of the proposal developed by the commissioners is shown in Attachment A. This summary helps provide an opportunity to understand the proposal, recognizing that it may help to see the revised code section to fully understand how it would work within the framework of the code. Staff will forward the revised SMP code section as soon as possible so that you are able to review it ahead of the meeting.

#### **Recommendation and Transmittal Content Framework**

Attachment B includes a framework document that lists key actions that the Planning Commission should consider in making its recommendation on the Shoreline Master Program, and directing staff to prepare a transmittal to the City Council. This is similar to what the Commission reviewed in December. Consistent with past practice, staff will use the Planning Commission direction to prepare a draft transmittal and circulate it to Commission members electronically for feedback prior to finalization. While the Commission commented on the content appropriate for the transmittal at the previous meeting, the framework document may still be helpful in crafting a recommendation.

When the Commission chooses to take action to make a recommendation to Council, the Recommendation and Transmittal Content Framework includes draft motion language to use as a guide.

**Attachments**

- A. Greenscape Proposal Summary
- B. Recommendation and Transmittal Content Framework

## ATTACHMENT A

### Greenscape Proposal Summary

Definitions: Revise definition of hardscape to exclude shoreline stabilization.

Triggers:

1. The addition of any structure within in the area located between OHWM and a line located 50 feet landward of OHWM outside the footprint of any legally created structure in existence when the SMP is adopted. This trigger would include:
  - a. New structure waterward of 50 foot mark on previously undeveloped lots
  - b. Expanded structure waterward of 50 foot mark that is outside an existing structure footprint
  - c. Reconfigured structure waterward of 50 foot mark that is outside an existing structure footprint (even if net new structure area is not increased).
2. The addition of any hardscape within the shoreline setback (area located between OHWM and a line located 25 feet landward of OHWM) outside the footprint of any legally created hardscape area in existence when the SMP is adopted. This trigger would include:
  - a. New hardscape in a 25 foot shoreline setback that was previously lawn or other landscaping
  - b. Expanded hardscape in the 25 foot shoreline setback that is outside an existing hardscape footprint
  - c. Reconfigured hardscape in the 25 foot shoreline setback that is outside an existing hardscape footprint (even if net new hardscape area is not increased).

Standards:

1. When new structure meets the above-described trigger:
  - a. A minimum of 50% of the shoreline setback shall be preserved or restored to "greenscape," and no more than 15% of the allowed hardscape shall be placed within the first 10 feet of area located adjacent to the OHWM, and
  - b. Preservation or restoration of greenscape is required at a 1:1 ratio that is equal to the new or expanded structure to be located waterward of the 50 foot mark
2. When new hardscape meets the above-described trigger:
  - a. Hardscape area under the 50% limit may not be increased above 50%
  - b. Hardscape area over the 50% limit may not be increased above the percentage that is in existence when the SMP is adopted
  - c. Hardscape shall be reconfigured so that no more than 15% of the allowed hardscape shall be placed within the first 10 feet of area located adjacent to the OHWM

Relationship to LUC 20.25E.065.E.2: When structure is added within the shoreline setback as allowed by this section, the native vegetation requirement must be met. The native vegetation can be used to meet the 50% greenscape requirement in the shoreline setback, but the 1:1

ratio equal to the expanded structure area must be met independently consistent with the terms of standard 1.b above.

## ATTACHMENT B

### Recommendation and Transmittal Content Framework

This framework document lists the key steps for the Planning Commission to make its recommendation on the Shoreline Master Program and prepare a transmittal to the City Council.

- Vote to recommend approval of the draft Shoreline Master Program as has been prepared. Sample motion language:

*Move to recommend to the City Council approval of the updated Bellevue Shoreline Master Program, including:*

- *Amendments to the Shoreline Element of the Comprehensive Plan,*
- *Amendments to the “Shoreline Overlay District,” part 20.25E of the Land Use Code,*
- *The City of Bellevue Shoreline Restoration Plan, and*
- *Shoreline Environment Maps*

- Vote to recommend City Council consideration of those issues that have been discussed during the SMP update process, but fall outside of the above document or require additional efforts beyond that directed by the SMP. These include:

- Phantom Lake management, including weir operation, beaver dams and other aspects that result in flooding of the lake
- Lake Sammamish flooding, including management of the Sammamish River weir and outlet, coordination with King County, floodplain regulation, and mapping of the floodplain
- Regulatory enforcement philosophy to ensure that regulations are enforced in a fair and consistent manner
- Watershed and stormwater impacts on shoreline property and shoreline functions and values
- Other issues that the Commission wishes to include in the transmittal

This recommendation could be combined with the primary recommendation to approve the SMP.

- Direct staff to prepare a transmittal to the City Council. At the Commission’s direction, staff will prepare a draft transmittal to the City Council that communicates the Commission’s recommendation. The transmittal is a vehicle for the Planning Commission to relay its full recommendation and statement to the Council, including the outstanding issues noted above. It’s also a place for the Commission to document the extensive process of the update, the results of the public hearing, and the nature of

the Commission's deliberations. The transmittal will review and respond to the code and plan amendment criteria. The transmittal is also a place for the Commission to highlight major themes and issues. Major themes of the SMP update that have been discussed by the Planning Commission and could be captured in the transmittal include:

- Setbacks and vegetation protection
- OHWM
- Bulkhead replacements
- Docks
- Nonconforming uses
- Restoration plan
- Meydenbauer Bay and park uses
- Other elements of the recommendation that the Commission wishes to highlight in the transmittal

The transmittal would also note that other supplementary Code amendments are required to fully implement the SMP, including changes to the Critical Areas regulations to adjust them to be consistent with the new SMP.

Staff will prepare the draft transmittal and circulate it with the full Commission for review. Final review of the transmittal will be coordination with Chairman Carlson.