

June 19, 2017

## **CITY COUNCIL STUDY SESSION ITEM**

### **SUBJECT**

Washington State Department of Ecology's Conditional Approval of Bellevue's Shoreline Master Program Update.

### **STAFF CONTACTS**

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### **POLICY ISSUES**

On June 1, the Washington State Department of Ecology (Ecology) issued its Conditional Approval of the City's Shoreline Master Program (SMP) Update. Ecology approved outright significant portions of Bellevue's SMP Update, including unique Bellevue provisions, such as the Residential Vegetation Conservation and Landscape Provisions, regulations governing recreational facilities such as marinas, and consolidated review and appeal procedures. The Conditional Approval from Ecology requires some changes (both in scope and number), to achieve final approval. Some work remains, however, the end-result will be a unique and Bellevue Appropriate SMP that reflects the hard work by the Council, Planning Commission, citizens, stakeholders, staff, and consultants.

### **DIRECTION NEEDED FROM COUNCIL**

**ACTION**



**DIRECTION**



**INFORMATION ONLY**



Joe Burcar, Interim Section Manager NW-Regional Office and Tim Gates, Shoreline Policy Lead will present Ecology's Conditional Approval of the City's SMP Update. City staff will return at a future study session with an analysis of Ecology's required and recommended changes to assist Council with its substantive discussion of Conditional Approval and seek Council direction for further engagement with Ecology. These process steps will be included in the July 1 response letter to Ecology.

### **BACKGROUND/ANALYSIS**

History (Summary). The City's SMP Update is the culmination of an exceptionally thorough, conscientious, creative, and collaborative process. The SMP Update is appropriately tailored to the special circumstances of the City's shorelines and commonly held citizen values, which are respectful of, and well within, the legal parameters of Federal and State Constitutional limitations, the Washington Shoreline Management Act, Ch. 90.58 RCW, and state Shoreline Guidelines, Ch. 173-26 WAC ("Guidelines"). Mindful of the unique characteristics of the City's shorelines, history, traditions, and

values, and the City's broad discretion to make policy choices under the Act, the Guidelines and federal and state constitutions, the City developed a "Bellevue Appropriate" SMP Update.

The City transmitted its SMP Update, which Council unanimously approved by Resolution No. 8922 (May 18, 2015), to Ecology on December 30, 2015. Ecology acknowledged submittal of the City's SMP Update on January 25, 2016, which initiated Ecology's formal review process. Ecology began accepting comments on the City's SMP Update for thirty days beginning on September 30 and ending on October 31, 2016. Additional public comments were accepted during a public hearing Ecology held at City Hall on October 18. Shortly thereafter, on November 21, 2016, Ecology provided the City with a summary of issues raised in the comments the agency received. The City provided a response to these comments on January 31, which also included a few clarifying amendments to the SMP Update.

On June 5, Ecology published its Conditional Approval of Bellevue's SMP Update. Additionally, Ecology posted the Conditional Approval to its website and sent notifications to each individual who participated in the SMP Update process during both the City's and Ecology's public engagement periods. After resolving challenges related to uploading materials to the City's new website, the City posted the Conditional Approval to its website on June 6, and an alert was sent to all individuals who registered to receive notification of when the City's SMP Update page is changed.

At the June 19 Study Session, representatives from Ecology will present its Conditional Approval of the City's SMP Update to the Council. The Conditional Approval includes changes that Ecology has provided which are required for approval and also recommended changes. Ecology's documents related to the Bellevue SMP can be reviewed at Ecology's website at:

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/Bellevue.html>

Under the Act, the City may agree to Ecology's recommended or required changes or submit an alternative proposal, which the agency will review for consistency with the purpose and intent of the Act and the changes developed by Ecology. Final Ecology approval will occur when the City and Ecology agree on language that is consistent with the Act's policies and Guideline requirements. The City's SMP Update process will be final when both the SMP code and land use code conformance amendments and the critical area code amendments are adopted consistent with the language agreed to with Ecology, and notification of adoption is sent to the Washington State Department of Commerce.

#### Next Steps

Staff will prepare and present an analysis of Ecology's Conditional Approval at a future study session to assist Council with its substantive discussion and consideration of Ecology's changes. This analysis will examine if Ecology's changes: (1) prevent the outcome allowed under the City's initial SMP submittal; (2) allow the outcome with additional process; or (3) result in essentially no change. Staff will also review the SMP Update code provisions to ensure consistency with legislative changes since the code was drafted. Staff will then seek direction from Council to engage with Ecology to explore alternative solutions where required.

Ecology has requested a response to its Conditional Approval by July 1. To comply with this request, staff will notify Ecology that the City has received the Conditional Approval and outline the process steps described above for securing Ecology's final approval. The public will be kept informed with updates to the City's Shoreline webpage, which may be accessed here:

<https://development.bellevuewa.gov/codes-and-guidelines/code-news/shoreline-master-program-update/>

**ALTERNATIVES**

N/A

**RECOMMENDATION**

N/A

**ATTACHMENT(S)**

N/A

**AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

Washington State Department of Ecology Conditional Approval, Resolution 8922