

April 16, 2018

## **CITY COUNCIL STUDY SESSION ITEM**

### **SUBJECT**

Shoreline Master Program Update and Periodic Review

### **STAFF CONTACTS**

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### **POLICY ISSUES**

Should the City Council schedule a public hearing on the Shoreline Master Program (SMP) Update to satisfy the Periodic Update requirements of state law before it takes final action to adopt the SMP for Department of Ecology approval? Holding a public hearing will allow the update to remain in effect for eight more years before another state-mandated review is required.

### **DIRECTION NEEDED FROM COUNCIL**

#### **ACTION**



#### **DIRECTION**



#### **INFORMATION ONLY**



Staff will brief Council on the status of the SMP Update. Following the briefing, staff will ask Council whether to hold a public hearing on the SMP Update to satisfy the requirements for Periodic Review under state law. If the City Council holds a public hearing and adopts findings of fact demonstrating that the requirements of the Periodic Review have been met, the SMP Update will remain in effect for eight years before another state-mandated review is required to be undertaken.

### **BACKGROUND/ANALYSIS**

The City of Bellevue has been working on a comprehensive update to its SMP since 2008. Updates to the Bellevue SMP and Critical Areas Overlay were adopted by Resolution in 2015 and 2016 respectively. Both of these code amendments require approval from the Department of Ecology before they can go into effect.

Public comment on Bellevue's draft code amendments was solicited by Ecology during a public comment period that was open from September 30 through October 31, 2016, and during a public hearing held by the Department of Ecology on October 18, 2016. Comments received during Ecology's public comment period were forwarded to the City. The City was required to respond to comments received by Ecology, and did so on January 31, 2017.

Ecology conditionally approved the Bellevue SMP Update on June 1, 2017, which means that Ecology transmitted a list of required and recommended changes to the code amendment that were deemed

necessary for the Bellevue SMP to be approved. Ecology accepted the vast majority of the City's SMP Update. There were only 16 required changes and 19 recommended changes, but they were focused on sections of the SMP Update that were of the greatest interest to Bellevue's residents. Specifically, the required changes touched on topics including the nonconforming regulations, shoreline setbacks, Ordinary High Water Mark, dock standards, and shoreline stabilization.

Since July 2017, staff has offered alternative language in response to the Ecology required changes that would maintain the intent of the code language that was originally adopted by the City Council. Stakeholders that had the greatest interest in the above-listed topics were kept apprised of the dialogue between staff and Ecology, and were invited to review the alternative language proposed to Ecology in an effort to reach consensus.

In January, an agreement in principle was reached on how to address Ecology's required changes. In February and March, staff drafted the language necessary to memorialize the agreement in implementing code language. The results of this effort are presented in the letter and matrix that is included with this memorandum as Attachment A, and shows Ecology's support for the SMP Update as revised.

During the course of discussions with Ecology, Bellevue staff were able to secure consent to use the SMP Update to meet the current Periodic Review requirement. Provided the City holds a public hearing and adopts findings of fact, a new update will not be compelled by Ecology for a period of eight additional years. This is beneficial to the City, because it means that the comprehensive update, unanimously recommended by the Planning Commission and adopted by City Council with significant public support will be effective for an extended period of time before a new required review will be mandated. This action will not preclude the City from initiating a periodic review in the future should the City determine one is necessary to address changing circumstances.

The final SMP Update package includes amendments to the Comprehensive Plan (Shoreline Element), a new Shoreline Overlay (Part 20.25E LUC) and updated Critical Areas Overlay (Part 20.25H LUC) of the Land Use Code, maps and supporting documents (e.g., Shoreline Inventory, Remediation Plan and Cumulative Impact Analysis). The package also includes conformance amendments to the Land Use Code addressing both the SMP and Critical Areas Overlay updates. Staff is preparing the SMP Update package in Ordinance form for final Council approval. Staff is requesting Council direction on whether to hold a public hearing to also satisfy the Periodic Update requirements under state law before it takes action to adopt the SMP Update Ordinances for final Department of Ecology approval.

### **OPTIONS**

1. Direct staff to schedule a public hearing on the SMP Update to satisfy the requirements of the state-mandated Periodic Review before Council takes final action to adopt the SMP Update Ordinance.
2. Direct staff to prepare the SMP Update Ordinance for final approval without a public hearing, and hold a public hearing to satisfy the requirements of the state-mandated Periodic Review at a future date.
3. Provide alternative direction to staff.

### **RECOMMENDATION**

Option 1

**ATTACHMENT**

A. Letter Matrix of Ecology Required and Recommended Changes and City of Bellevue Requested  
Changes to the SMP Update

**AVAILABLE IN COUNCIL DOCUMENT LIBRARY**

N/A