

May 21, 2018

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Ordinance amending the Bellevue Land Use Code, Title 20 of the Bellevue City Code; amending the Critical Areas Overlay (Part 20.25H LUC); including conformance amendments creating cross-references, correcting internal references and citations, clarifying which parts of the LUC are not applicable to the Shoreline Overlay District, and proposing similar clarity amendments to provide consistency between existing provisions of the Land Use Code and the SMP Update (Ordinance No. 6416); providing for severability; and establishing an effective date.

FISCAL IMPACT

The adoption of the Shoreline Master Program (SMP) Update should have minimal financial impact to the City as the update is replacing the City's current SMP and permitting and review procedures are in place and functioning.

STAFF CONTACTS

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Development Services Department

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City Attorney's Office

POLICY CONSIDERATION

Should the City take final action to adopt the SMP Update for Department of Ecology approval?
Comprehensive Plan Policies:

- Balance the immediate and long range environmental impacts of policy and regulatory decisions in the context of the City's commitment to provide for public safety, infrastructure, economic development and other obligations. (EN 1)
- Protect air, water, land, and energy resources consistent with Bellevue's role in the regional growth strategy. (EN-5)
- Provide incentives to private property owners to achieve specific habitat improvement goals, including retention and enhancement of native vegetation (EN-57)

BACKGROUND

The final SMP Update package includes three Ordinances: (1) amending the Comprehensive Plan (Shoreline Element), (2) creating a new Shoreline Overlay (Part 20.25E LUC) and updated Critical Areas Overlay (Part 20.25H LUC) of the Land Use Code, and (3) conformance amendments to the Land Use Code addressing both the SMP and Critical Areas Overlay updates. Each Ordinance is presented under a separate, but identical agenda memorandum. This memorandum accompanies proposed Ordinance No. 6417 addressing conformance amendments and the Critical Areas Overlay Update.

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. On May 7, the City Council held a public hearing on the Periodic Review required under the Shoreline Management Act. Proposed Ordinance No. 6416 adopting the new Part 20.25E LUC, which is under separate cover, will satisfy the legislative action required by adopting the necessary amendments to complete review and complying with RCW 90.58.080(4). A copy of the Periodic Review checklist is included as Attachment B.

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. After Council adopts the final Ordinances, staff will transmit the SMP Update package to the Department of Ecology for approval. Once Ecology approves the SMP Update, it will send the City its notice of final approval which must conspicuously and plainly state that the approval is the Department's final decision. The effective date is 14 days from the date of the written notice. Ecology must also publish notice that it has approved the SMP Update. All Ordinances will become effective consistent with the 14-day notice requirement.

EFFECTIVE DATE

If approved, this Ordinance becomes effective 14 days from the date that the Department of Ecology issues its written formal approval of the Shoreline Master Program.

OPTIONS

1. Adopt the Ordinance amending the Bellevue Land Use Code, Title 20 of the Bellevue City Code; amending the Critical Areas Overlay (Part 20.25H LUC); including conformance amendments creating cross-references, correcting internal references and citations, clarifying which parts of the LUC are not applicable to the Shoreline Overlay District, and proposing similar clarity amendments to provide consistency between existing provisions of the Land Use Code and the SMP Update (Ordinance No. 6416); providing for severability; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

RECOMMENDATION

Option 1

MOTION

Move to adopt Ordinance No. 6417 amending the Bellevue Land Use Code, Title 20 of the Bellevue City Code; amending the Critical Areas Overlay (Part 20.25H LUC); including conformance amendments creating cross-references, correcting internal references and citations, clarifying which parts of the LUC are not applicable to the Shoreline Overlay District, and proposing similar clarity amendments to provide consistency between existing provisions of the Land Use Code and the SMP Update (Ordinance No. 6416); providing for severability; and establishing an effective date.

ATTACHMENTS

A. Matrix

B. Periodic Review Checklist

Proposed Ordinance No. 6417

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

N/A