

4-18-86
1595c

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3651

AN ORDINANCE relating to amendment and review of the Comprehensive Plan of the City of Bellevue; and amending Bellevue City Code (Land Use Code) Part 20.30I.

WHEREAS, it is necessary to establish a procedure for the amendment and review of the Comprehensive Plan; and

WHEREAS, it is necessary that such procedure balance the ability to respond to changing circumstances and community needs with the desire to provide neighborhood stability; and

WHEREAS, it is desirable to establish a procedure which provides stability to the Comprehensive Plan, with emphasis on the Subarea Plans; and

WHEREAS, Section 3 of Ordinance No. 3396 requires that the Planning Commission review the Comprehensive Plan amendment and review process in November, 1985 or as soon thereafter as possible; and

WHEREAS, the Planning Commission has conducted such review, and has conducted a public hearing and recommended improvements to the amendment and review process; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and with the Bellevue Environmental Procedures Ordinance; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code (Land Use Code) Part 20.30I is amended to read as follows:

20.30I Amendment and Review of the Comprehensive Plan

20.30I.110 Scope: This Part (20.30I) establishes the procedure and criteria that the City will use in amending or reviewing the Comprehensive Plan. Additionally, it establishes the responsibility of the City to monitor the status of development in the City in relation to the Comprehensive Plan, and to review the Comprehensive Plan on a regular basis.

4-18-86
1595c

- 20.30I.115 Applicability: This Part applies to each application affecting the Comprehensive Plan.
- 20.30I.120 Purpose: The Comprehensive Plan is a document which guides the nature and intensity of development in the City. An amendment to the Plan is a mechanism by which the City may modify its land use, development or growth policies in order to respond to changing circumstances or needs of the City.
- 20.30I.125 Who May Initiate:
- A. The City Council or the Planning Commission may initiate consideration of an amendment to the Comprehensive Plan. An affirmative vote of not less than a majority of the total members of the Council or Commission is required to initiate consideration of an amendment.
 - B. A resident or a property owner may apply for an amendment to the Comprehensive Plan in conformance with Paragraph .130.B.
- 20.30I.130 Time to Initiate:
- A. Subject to Paragraphs .130.C and D, the City Council or the Planning Commission may initiate consideration of an amendment to the Comprehensive Plan at any time. A new Element may be added to the Comprehensive Plan at any time.
 - B. Subject to Paragraphs .130.C and D, a resident or property owner may apply for an amendment to the Comprehensive Plan between January 1 and the end of February of any year. At any other time during the year, a resident or property owner may request that the Planning Commission or City Council initiate consideration of an amendment to the Comprehensive Plan.
 - C. An amendment to the Comprehensive Plan may not be initiated by the Planning Commission or by a private party unless at least three years have elapsed since the adoption or review and

4-18-86
1595c

reaffirmation of the Element or Subarea Plan affected by the proposed amendment. In addition, at least three years must elapse between amendments to the land use designation of a property. These time limits do not apply if the applicant proves that there exists obvious technical error justifying the need for the amendment.

- D. The Planning Commission may defer review of a proposed amendment if review of the affected Subarea is scheduled or reasonably likely to occur within the calendar year the proposed amendment was requested.

20.30I.135 Applicable Procedure:

- A. General: Subject to Paragraph B of this Section the City will process an amendment to the Comprehensive Plan using Process IV (Section 20.35.400 et seq.). The Planning Commission is the Advisory Body and the Planning Director is the applicable Department Director.
- B. Notice of Receipt of Private Application: In addition to notice required by Section 20.35.400 et. seq., the Planning Director shall provide the following public notice.
1. Content: The Planning Director shall prepare notice of the receipt of a private application for a Comprehensive Plan Amendment containing the following:
 - a. The name of the applicant, and if applicable, the project name and
 - b. If the application involves specific property, the street address of the subject property, and a description in non-legal terms sufficient to identify its location, and
 - c. If the application involves specific property, a vicinity map indicating the location of the subject property, and

4-18-86
1596c

- d. The citation of the Bellevue City Code provision requiring a decision using Process IV, and
 - e. A brief description of the action, permit or approval requested in the application, and
 - f. A description of the upcoming geographic scope and public hearing process.
2. Time of Notice: The Planning Director shall provide notice of the receipt of a private application for a Comprehensive Plan Amendment within 17 calendar days of the receipt of that application.
3. Means of Notice: The Planning Director shall provide notice of the receipt of a private application for a Comprehensive Plan Amendment by:
- a. Publishing notice of the receipt of the application in a newspaper printed and published within the City (See BCC 1.08), and
 - b. Posting notice of the receipt of the application at each official posting place of the City (See BCC 1.08), and
 - c. If the application involves specific property rather than an area-wide change --
 - i. Mailing notice of the receipt of the application to each person who has requested such notice in writing for the calendar year and who has paid the fee established by the applicable Department Director, and
 - ii. Mailing notice of the receipt of the application to each member of a Community Council, and

4-18-86
1595c

- iii. Mailing notice of the receipt of the application to each member of the immediately prior Citizen Advisory Committee for the Subarea affected by the change.

- C. Determination of Geographic Scope of Proposal:
Prior to providing public notice pursuant to Section 20.35.400 et. seq., the City shall establish the geographic scope of the proposal pursuant to Section 20.30I.140.

20.30I.140 Expansion of the Geographic Scope of Proposal:

- A. In order to allow for consideration of nearby property, similarly situated property or area wide impacts, the City Council or the Planning Commission may expand the geographic scope of a privately initiated amendment. The expansion of the geographic scope of a proposal shall be decided by the City Council or Planning Commission by March 31 of the year the application is filed.
- B. The City shall consider the following in deciding whether to expand the geographic scope of a proposed amendment:
 - 1. The effect of the proposed amendment on the planning district or the Subarea, or on adjacent planning districts or Subareas, and
 - 2. The effect of the proposed amendment on the land use and circulation pattern of the Planning District, Subarea or City, and
 - 3. The effect of the proposed amendment on the future development of the Planning District, Subarea or City.
- C. Notice:
Within 30 calendar days of establishing the geographic scope of the proposal, the Planning Director shall provide notice of the proposed Comprehensive Plan Amendment describing its geographic scope by:

4-18-86
1595c

1. Giving notice as provided in Paragraph 135.B.3, and
2. Mailing notice of the proposed Comprehensive Plan Amendment to each owner of real property within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership, and
3. Mailing notice of the proposed Comprehensive Plan Amendment to each address within 400 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership. Notice is mailed to those described above and in addition notice is mailed to each "occupant/tenant" of the subject property and of the applicant's contiguous property. "Occupant/tenant" must be addressed by unit in a multiple unit building but need not be identified by name.

20.30I.145 Submittal Requirements:

- A. The Planning Director shall specify the submittal requirements, including type, detail and number of copies, for a Comprehensive Plan amendment application to be deemed complete and accepted for filing.
- B. The Planning Director may waive specific submittal requirements determined to be unnecessary for review of an application.

.150 Decision Criteria: The Planning Commission may recommend and the City Council may approve or approve with modifications an amendment to the Comprehensive Plan if --

- A. There exists obvious technical error in the pertinent Comprehensive Plan provision, or
- B. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications, and

4-18-86
1595c

- C. The amendment bears a substantial relation to the public health, safety or welfare, and
- D. The amendment addresses changing circumstances or the needs of the City as a whole, and
- E. The amendment is compatible with the provisions of the Comprehensive Plan or other goals or policies of the City, and
- F. If applicable to an identifiable property, the amendment is compatible with adjacent land use and surrounding neighborhoods, and
- G. The amendment will not result in development which will adversely impact community facilities including but not limited to utilities, transportation, parks or schools.

.155 Comprehensive Plan Review:

A. General Goals and Policies:

The Planning Commission shall review and consider amendments to the general goals and policies of the Comprehensive Plan (Chapters 21.A-21.U) regularly at five year intervals beginning in 1985.

B. Subarea Plans:

1. The Planning Commission shall establish a rotating schedule to consider and review amendments to the Subarea Plan portion of the Comprehensive Plan. Subarea Plans shall be reviewed in chronological order from the date of adoption. Two Subarea Plans will be reviewed each year. A Subarea Plan may be reviewed outside of the established schedule only upon direction by a vote of not less than a majority of the total members of the City Council.
2. Prior to review of a Subarea Plan by the Planning Commission or by the City Council, the Council shall appoint a Citizens Advisory Committee to be named by the Mayor with the concurrence of a majority of the City Council. This Committee shall solicit public comment and make a recommendation on the Subarea Plan to the Planning Commission and City Council.

4-18-86
1595c

Section 2. The requirements of this ordinance are not applicable to applications to amend the Comprehensive Plan filed during 1985 or prior to March 1, 1986.

Section 3. This ordinance shall take effect and be in force five days after its passage and legal publication.

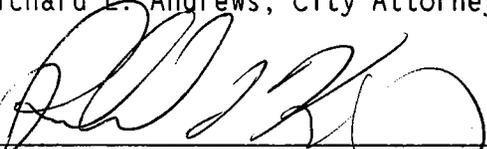
PASSED by the City Council this 5th day of July, 1986, and signed in authentication of its passage this 5th day of July 1986.

(SEAL)


Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published May 10, 1986