

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5328

AN ORDINANCE relating to the Land Use Code of the City of Bellevue amending Chapter 20.30I relating to the public participation process for suggesting amendments to the City's Comprehensive Plan and clarifying the docketing process and criteria for consideration of suggested amendments to the Comprehensive Plan, and amending the provisions of BLUC Chapter 20.35 relating to applications for Comprehensive Plan amendments.

WHEREAS, the Growth Management Act requires that local jurisdictions planning under the Act provide a process by which members of the public can suggest amendments to comprehensive plans; and

WHEREAS, Bellevue is a local jurisdiction required to plan under the Act; and

WHEREAS, the Bellevue City Council desires clarify its public participation process for docketing suggested Comprehensive Plan amendments; and

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

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

Section 1. Part 20.35.015, subsection E. of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.015 Framework for decisions

.....

E. Process IV decisions are legislative nonproject decisions made by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The following are Process IV decisions:

1. Consideration of suggestions for amendments to the Comprehensive Plan (Annual Docket Adoption)
2. Amendments to the text of the Land Use Code or Comprehensive Plan;
3. Amendments to the Comprehensive Plan Map;
4. Amendments to the Zoning Map (rezones) on City-wide or area-wide basis.

Section 2. Part 20.35.030 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.030 Applications

A. Who May Apply

Applications for the various types of land use decisions may be made by the following parties:

1. The property owner or authorized agent of the owner may apply for any type of Process I, Process II, or Process III land use decision.
2. A resident of the dwelling may apply for a Home Occupation Permit.
3. The City Council, the Director of Planning and Community Development or the Planning Director, may apply for a project-specific or site-specific Process III) rezone or for an area-wide rezone (Process IV).
4. The Director of Planning and Community Development, the Planning Director, or the Planning Commission, may suggest site-specific and non site-specific amendments to the Comprehensive Plan or to the text of the Land Use Code for consideration during the Annual Docket Adoption.
5. The property owner or authorized agent of the property owner may apply suggesting site-specific amendments to the Comprehensive Plan for consideration during the Annual Docket Adoption.
6. Any person may apply suggesting non-site specific amendments to the Comprehensive Plan for consideration during the Annual Docket Adoption.
7. Any person may request an interpretation of the Land Use Code. In addition, the Director may issue interpretations of the Land Use Code as needed.

Section 3. Part 20.30I of the Bellevue Land Use Code is hereby amended to read as follows:

Part 20.30I Annual Docket Adoption and Amendments to the Comprehensive Plan

Section 4. Part 20.30I.110 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30I.110. Scope

This Part 20.30I establishes the procedure and criteria that the City will use in considering suggestions for amendments to the Comprehensive Plan during the Annual Docket Adoption, and 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.

Section 5. Part 20.30I.125 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30I.125 Who may initiate

A. The City Council may initiate consideration of an amendment to the Comprehensive Plan at any time, notwithstanding LUC Section 20.30I.143.B and 20.30I.130.C. An affirmative vote of not less than a majority of the total members of the Council is required to initiate consideration of an amendment.

B. The Director of Planning and Community Development, the Planning Director, or the Planning Commission may initiate amendments to the Comprehensive Plan Map or text, or to the text of the Land Use Code in order to make technical corrections.

Section 6. Part 20.30I.130 of the Bellevue Land Use Code is hereby amended to read as follows:

20.30I.130 Time to apply for consideration of amendment suggestions during the Annual Docket Adoption process

A. Any person may apply to suggest non-site specific amendments to the Comprehensive Plan between December 1st and January 31st of the following year for consideration during the Annual Docket Adoption. At any other time during the year, any person may request that the City Council consider a non site-specific amendment to the Comprehensive Plan.

B. A property owner or authorized agent of the property owner may apply to suggest a site-specific amendment to the Comprehensive Plan between December 1st and January 31st of the following year for consideration during the Annual Docket Adoption. At any other time during the year, a property owner or authorized agent of the property owner may request that the City Council consider a site-specific amendment to the Comprehensive Plan.

C. Suggestions which are docketed and evaluated as proposed amendments shall be considered in that year’s annual Comprehensive Plan amendment work program.

D. Suggestions which are not recommended for proposed amendment shall be subject to the three year limit in LUC 20.30I.143.B.

E. The Planning Commission may recommend, and the City Council may include in an ongoing work program approved by the City Council, those suggestions which are not recommended for proposed amendment that meet the criteria of LUC 20.30I.143.D.

F. The Planning Commission may recommend, and the City Council may consider in its next Comprehensive Plan Update (the “five year update”) required by RCW 36.70A.130(1), those suggestions which are not recommended for proposed amendment in the annual Comprehensive Plan amendment work program but that meet the criteria of LUC 20.30I.143.C and LUC 20.30I.143.G.

Section 7. A new subsection, Part 20.30I.135 shall be added to the Bellevue Land Use Code to read as follows:

Section 20.30I.135 Public participation

The Director of the Department of Planning and Community Development is hereby authorized to develop and publish procedures for public participation in the development of the City's Comprehensive Plan. Procedures shall provide for early and continuous public participation in the City's Annual Docket Adoption and consideration of amendments to the Comprehensive Plan.

The annual docket shall be available in the Department of Planning and Community Development for distribution in different forms including but not limited to print and electronic versions.

A Comprehensive Plan Amendment Procedures guide shall be available in the Department of Planning and Community Development. This guide will describe the steps and procedures for applicants to suggest and the City to consider amendments to the Comprehensive Plan.

Public Notice shall be given where required by LUC 20.35.420.B for docket evaluation action and consideration of proposed amendment actions.

Section 8. Part 20.301.140 of the Bellevue Land Use Code is hereby amended to read as follows:

20.301.140 Expansion of the geographic scope of proposal

A. Determination of Geographic Scope of Proposal

Prior to providing public notice pursuant to LUC 20.35.400 et seq., the City shall establish the geographic scope of the proposal.

B. 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 suggested site-specific amendment. The expansion of the geographic scope of a suggested amendment shall be decided by the City Council or Planning Commission together with consideration of the suggestion during the Annual Docket Adoption.

C. The City shall consider the following in deciding whether to expand the geographic scope of a suggested amendment:

1. The effect of the suggested amendment on the planning district or the subarea, or an adjacent planning districts or subareas; and

2. The effect of the suggested amendment on the land use and circulation pattern of the planning district, subarea or City; and

3. The effect of the suggested amendment on the future development of the planning district, subarea or City.

D. Notice

The Planning Director shall provide notice of the suggested Comprehensive Plan amendment describing its geographic scope by:

1. Giving notice as provided in LUC 20.35.420; and
2. Mailing notice of the Proposed Comprehensive Plan amendment to each owner of real property within 200 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 200 feet of any boundary of the subject property and of any contiguous property in the applicant's ownership.

Section 9. A new section, Part 20.30I.143 is hereby added to the Bellevue Land Use Code to read as follows:

20.30I.143 Annual Docket Adoption Evaluation Decision Criteria

The Planning Commission may recommend initiation of Comprehensive Plan amendments to the City Council in the annual CPA work program if the following criteria have been met:

(Note: Criterion A does not apply to non site-specific amendment suggestions. Criterion C does not apply to site-specific amendment suggestions.)

A. A site-specific amendment is suggested by the property owner, authorized agent of the property owner or the City; and

B. The suggestion does not refer to a site, or policies or land use issues that have been docketed within the last three years, or at least three years have elapsed from the date of action to change the land use designation of a property; and

C. The suggestion addresses a matter appropriate to include in the Comprehensive Plan; and

D. The suggestion does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and

E. The suggestion can be reasonably reviewed within the resources and time frame of the current annual CPA work program; and

F. Circumstances related to the suggestion have changed significantly since the last time the relevant Comprehensive Plan map or text was amended; and

G. The suggestion is consistent with current general policies in the Comprehensive Plan for site specific suggestions. The suggestions must also be consistent with policy implementation in the Countywide Planning Policies, GMA, other state or federal law, or the WAC; or

H. State law requires, or a decision of a court or administrative agency has directed such a change.

Section 10. Part 20.30I.150 of the Bellevue Land Use Code is hereby amended to read as follows:

20.301.150 Comprehensive Plan Amendment 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 following criteria have been met:
 - 1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City, the Countywide Planning Policies, the Growth Management Act and other applicable law, and
 - 2. The proposed amendment addresses circumstances that have changed since the last time the relevant Comprehensive Plan map or text was considered, and
 - 3. The proposed amendment addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents, and
 - 4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications, and
 - 5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.

Section 11. Part 20.301.155 of the Bellevue Land Use Code is hereby amended to read as follows:

20.301.155 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 in accordance with the procedure specified in this chapter.

B. Subarea Plans

- 1. The City Council may initiate a review of a Subarea Plan in accordance with the procedure specified in LUC 301.125 when it concludes that the issues arising in a Subarea are of sufficient magnitude and complexity to merit review through the Subarea Plan review process.
- 2. Prior to review of a Subarea Plan, 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.

Section 12. This Ordinance shall take effect and be in force five days after its passage and legal publication. This ordinance and the Comprehensive Plan shall be available for public inspection in the office of the City Clerk.

Passed by the City Council this 19th day of November, 2001, and signed in authentication of its passage this 19th day of November, 2001.

(SEAL)

Chuck Mosher, Mayor

Approved as to form:

Lori M. Riordan, Supervising Attorney

Attest:

Myrna L. Basich, City Clerk

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