

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5570

AN ORDINANCE relating to the Comprehensive Plan of the City of Bellevue, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); and as adopted pursuant to Chapter 35A.63 RCW, adopting the City's 2004 amendments to the Comprehensive Plan as separately set forth in Ordinance Nos. 5563, 5564, 5565, 5566, 5567, 5568, and 5569.

WHEREAS, the City Council adopted the Comprehensive Plan of the City of Bellevue on December 6, 1993 as required by the Growth Management Act of 1990, as amended; and also adopted the Comprehensive Plan pursuant to Chapter 35A.63 RCW; and

WHEREAS, the Growth Management Act authorizes the City to amend the Comprehensive Plan on an annual basis; and

WHEREAS, the state Growth Management Act (GMA) requires local jurisdictions every seven years to use the opportunities presented by the requirements of RCW 36.70A.130 to broadly review and, if needed, revise the Comprehensive Plan (the "Plan") and Development Regulations to ensure that the Plan and Development Regulations continue to comply with the requirements of the GMA; and

WHEREAS, the City must complete this broad compliance review by December 1, 2004; and

WHEREAS, the City has combined the process of adopting revisions identified for the seven-year Comprehensive Plan Update (the "CPU") with the annual process for amending the Comprehensive Plan as required by the Growth Management Act under RCW 36.70A.130(2)(a); and

WHEREAS, with passage of Resolution No. 6949 on January 12, 2004 the City established a five-step public participation program (as completely described in attachments under Clerk's Receiving Number 35097) to be broadly disseminated, to include early and continuous public participation at each step and to include notice provisions pursuant to RCW 36.70A.035; and

WHEREAS, with passage of Resolution No. 6949 on January 12, 2004 the City completed review of relevant plans and regulations and completed the analysis of the need for revisions based on the review in accordance with RCW 36.70A.130 (as completely described in attachments under Clerk's Receiving Number 35098); and

WHEREAS, with passage of Resolution No. 6949 on January 12, 2004 the City established a Work Program which accurately reflected the extent and conclusions reached by the City regarding necessary revisions to the Plan as completely described in attachments under Clerk's Receiving Number 35099; and

WHEREAS, the Planning Commission has held public meetings and a public hearing on all proposed changes to the Comprehensive Plan and has made certain recommendations to the City Council; and

WHEREAS, the City Council has considered and discussed all proposed annual amendments to the Comprehensive Plan; and

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

WHEREAS, the City Council desires to amend the Comprehensive Plan consistent with the foregoing; now, therefore,

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

Section 1. The City Council hereby adopts the City's 2004 amendments to the Comprehensive Plan as separately set forth in Ordinance Nos. 5563, 5564, 5565, 5566, 5567, 5568, and 5569. The Comprehensive Plan of the City of Bellevue, as required by the Growth Management Act of 1990, as amended (hereinafter referred to as the "Comprehensive Plan") is amended as shown in the November 22, 2004 City of Bellevue Comprehensive Plan as set forth in such ordinances.

Section 2. The City Council finds that the 2004 amendments to the Comprehensive Plan have met the Comprehensive Plan Amendment Decision Criteria contained in LUC 20.301.150; that the amendments are consistent with the Comprehensive Plan and other goals and policies of the City; that the amendments address circumstances that have changed since the last time the relevant map or text was considered; that the amendments address the interests and changed needs of the entire City as identified in its long-range planning and policy documents; and that the proposed amendments demonstrate a public benefit and enhance the public health, safety and welfare of the City.

Section 3. The City implemented its five-step public participation program adopting the 2004 Comprehensive Plan Update:

- A. Compare relevant city plans and regulations to state GMA requirements and local priorities, and identify any needed revisions. Finalize the [work program] scope of the 2004 Update. *This step was completed with passage of Resolution No. 6949 on January 12, 2004.*

- B. Develop a work program for the Update that addresses state requirements and local priorities. *This step was completed with passage of Resolution No. 6949 on January 12, 2004.*
- C. Prepare proposed amendments to the Comprehensive Plan and Land Use Code based on the approved Update work program. *This step was completed with the transmittal to City Council of the Planning Commission recommendation on September 1, 2004.*
- D. Continue to elicit public involvement, culminating with a formal public hearing before the Planning Commission. *Twenty-six study sessions were held before the Planning Commission. A formal public hearing was held before the Planning Commission on July 7 and July 21, 2004 for the 2004 proposed amendments to the Comprehensive Plan.*
- E. City Council adoption of Update amendments. *Five study sessions were held before the City Council.*

Section 4. The City Council finds that public notice was provided for all 2004 amendments to the Comprehensive Plan as required by LUC 20.35.400 for Process IV amendments to the text of the Land Use Code [and] Comprehensive Plan.

Section 5. The City Council finds that the Environmental Element of the Comprehensive Plan, as adopted by Ordinance No. 5563 was based on consideration of the best available science, as required by the Growth Management Act.

The City of Bellevue conducted an inventory of Bellevue's critical areas and prepared a report on the best available scientific information relative to protecting the functions and values of those critical areas. Inventory and BAS reports considered in developing the Environmental Element and included in the public record are those for: Wetlands, Fish and Wildlife Habitat Conservation Areas (Streams); Fish and wildlife Habitat Conservation Areas (Wildlife), and Geologically Hazardous Areas. The inventory and reports are compiled and referred to as *Critical Areas Inventory Reports and Best Available Science Papers*, and are available for review in File No. 03-10062 AC. In addition to these reports, information specific to the shoreline was developed and considered through both a technical presentation by an environmental consultant, The Watershed Company, and a study performed in 2000, *A Summary of the Effect of Bulkheads, Piers, and Other Artificial Structures and Shorezone Development on ESA-listed Salmonids in Lakes*. This information is also available for review in File No. 03-10062 AC.

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The City Council hereby adopts the analysis included in Attachment A to the Planning Commission Transmittal on the comprehensive Plan Update dated September 1, 2004. Such analysis adequately describes the non-scientific factors that will be considered and how they will be weighed against best available science as the City formulates the development regulations that will implement the Environmental Element. This analysis is given Clerk's Receiving No. 36710.

Section 6. The City Council declares specifically that the process and procedures to adopt 2004 amendments to the Comprehensive Plan have included all applicable requirements of RCW 36.70A.130 except as noted in Section 8.

Section 7. The City Council declares specifically that the City's development regulations comply with all applicable requirements of RCW 36.70A.130 except as noted in Section 8.

Section 8. The City Council finds that the City has made significant progress on requirements to adopt Land Use Code Amendment (LUCA) regulations proposed for designating and protecting Critical Areas (RCW 36.70A.030(5)) consistent with the Comprehensive Plan, and that the city is including the best available science in developing such development regulations to protect the functions and values of critical areas. In addition, the city is giving special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries in developing such development regulations. In demonstrating good faith and progress, the City Council is separately adopting Resolution No. 7108 before December 1, 2004 to document progress-to-date and including a proposed schedule for completing this LUCA.

Section 9. Docketed 2003 applications made to amend the Comprehensive Plan that were deferred to 2004 by action of the Council have been withdrawn during the 2004 amendment review process: Northup East, Plaza 520 and Belmont Place.

Section 10. The Comprehensive Plan adopted pursuant to Chapter 35A.63 RCW, is further amended to the same extent and in the same respect as the Comprehensive Plan required by the Growth Management Act of 1990, as amended, is amended consistent with Section 1 of this ordinance and the separate ordinances referenced therein.

Section 11. This ordinance shall take effect and be in force five (5) 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.

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Passed by the City Council this 29th day of November, 2004,
and signed in authentication of its passage this 29th day of November,
2004.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Bellevue City Attorney

Lori M. Riordan
Lori M. Riordan, Acting City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

Published December 3, 2004