0842-ORD
1/4/2006

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5650

AN ORDINANCE amending the Bellevue Land Use Code to clarify Comprehensive Plan amendment and review procedures and public participation in those processes by repealing and replacing Part 20.30I and amending Sections 20.35.015, 20.35.030, 20.35.410, and 20.50.046. of the Bellevue Land Use Code, and establishing an effective date.

WHEREAS, the Growth Management Act requires that each local jurisdiction planning under the Act provide procedures by which members of the public can participate in the processes of amending its Comprehensive Plan; and

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

WHEREAS, Bellevue City Council desires to clarify its procedures for, amending and reviewing its Comprehensive Plan and public participation in those processes;

WHEREAS, the East Bellevue Community Council held a public hearing on November 1, 2005, prior to City Council action;

WHEREAS, the Planning Commission held a public hearing on November 16, 2005 regarding such proposed Land Use Code amendments; and

WHEREAS, the Planning Commission recommends that the City Council approve such proposed amendment; and

WHEREAS, the City Council finds that the amendments to the Land Use Code contained in this ordinance satisfy the decision criteria established in LUC 20.30J.135; now, therefore

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

Section 1. Chapter 20.30I, Permits and Decisions, Annual Docket Adoption and Amendments to the Comprehensive Plan, is hereby repealed in its entirety and replaced as set forth in Section 2 of this Ordinance.

Section 2. Chapter 20.30I, Permits and Decisions, Amendment and Review of the Comprehensive Plan is adopted as follows:

# Part 20.30I—Amendment and Review of the Comprehensive Plan

## 20.30I.110 Scope and Background

This Part 20.30I establishes the procedure and criteria that the City will use to review and amend the Comprehensive Plan, including the annual public participation process for proposals to amend the Comprehensive Plan. The Comprehensive Plan shall be subject to continuing review and evaluation by the City. Amendments to the Comprehensive Plan should not be considered more frequently than once a year, except in cases of emergency, to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court, and in other certain limited circumstances. Except as otherwise permitted, all proposed amendments in any year should be considered concurrently so that the cumulative effect of the various proposals can be ascertained.

## 20.30I.115 Applicable Process

This Part 20.30I applies to each application affecting the Comprehensive Plan. Proposals to amend the Comprehensive Plan are Process IV actions conducted pursuant to the applicable provisions of LUC 20.35.400 through .450. This Part 20.30I establishes certain additional procedures and sets forth the decision criteria that the City will use in its evaluation of amendment proposals.

## 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.

## 20.30I.130 Initiation of Amendment Proposals

### A. Amendment Proposals Initiated by the Public or Persons or Entities Other Than the City

1. **General**. Members of the public or persons or entities other than the City Council and the City Planning Commission (hereinafter referred to collectively as "the public") may initiate Comprehensive Plan amendment proposals subject to the provisions of this section. Amendment proposals initiated by the public are reviewed as part of an annual cycle and pursuant to a two-tiered process: a threshold review and a final review, as described below:

   a. **Threshold Review**. The threshold review process will determine those proposals that will be included in the Annual Comprehensive Plan Amendment Work Program and will determine their geographic scope.

      (i) **Planning Commission Review**. Pursuant to the applicable provisions of LUC 20.35.400 through .450, complete applications to propose an amendment to the Comprehensive Plan submitted during the time

period set forth in 20.30I.130.A.2.a. will be reviewed by the Planning Commission. The Planning Commission will hold a public hearing and make a recommendation to the City Council, using the criteria set forth in LUC 20.30I.140, as to which amendment proposals initiated by the public should be included in the Annual Comprehensive Plan Amendment Work Program.

(ii) **Consideration of Geographic Scope.** Prior to the public hearing, the Planning Commission shall review the geographic scope of any proposed amendments. Expansion of the geographic scope may be recommended if nearby, similarly-situated property shares the characteristics of the proposed amendment's site. Expansion shall be the minimum necessary to include properties with shared characteristics. If expansion is recommended, the notice for the public hearing shall describe the geographic scope of the proposed amendments and notice shall be expanded to include each owner of real property within 500 feet of any boundary of the originally proposed area and of the recommended expansion.

(iii) **City Council Review.** The City Council will review the Planning Commission recommendations and the criteria set forth in LUC 20.30I.140 and determine which amendment proposals will be included in the Annual Comprehensive Plan Amendment Work Program and their geographic scope. Those proposals included in the Annual Comprehensive Plan Amendment Work Program will then be referred back to the Planning Commission for further proceedings.

(iv) **Alternative Disposition.** Proposals not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered as provided in LUC 20.30I.130.A.3.

b. **Final Review.** The final review process will evaluate the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program and culminate in Council action on the proposed amendments.

(i) **Planning Commission Review.** The Planning Commission will review the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program, hold a public hearing, and make a recommendation to the City Council as to each proposed amendment, using the criteria set forth in LUC 20.30I.150.

(ii) **City Council Action.** The City Council will review the Planning Commission recommendations and the criteria set forth in LUC 20.30I.150 and take action on each proposed amendment in the Annual Comprehensive Plan Amendment Work Program.

2. **Application for Consideration of Amendment Proposals**

   a. **Time.** The annual comprehensive plan amendment cycle begins with the application period. Application for consideration of proposals to amend the Comprehensive Plan initiated by the public must be made between December 1 and January 31 of the immediately following year in order to be considered for inclusion in that cycle's Annual Comprehensive Plan Amendment Work Program.

   b. **Application**. Application procedures are set forth in the Comprehensive Plan Amendment and Procedures Guide available at the City Department of Planning and Community Development and on the City's website.

   c. **Who May Apply: Site-specific and Non-site Specific Proposed Amendments**

      (i) **Site-specific.** A property owner or authorized agent of the property owner may propose a site-specific amendment to the Comprehensive Plan.

      (ii) **Non-site-specific.** Any person or entity may propose a non-site-specific amendment to the Comprehensive Plan.

   d. **Three-Year Limitation.** A specific property, policy topic or land use issue shall not be the subject of a comprehensive plan amendment proposal initiated by the public and reviewed by the City more frequently than once every three years, measured by three annual amendment cycles. This three- year limitation applies when:

      (i) **Proposal not included in the Annual Comprehensive Plan Amendment Work Program.** A previous amendment proposal with the same or substantially similar subject went through the threshold review process but was not included in the Annual Comprehensive Plan Amendment Work Program; provided, property that was added to an original proposal through geographic expansion by the City is not subject to the three-year limitation in this circumstance.

      (ii) **Proposal included in the Annual Comprehensive Plan Amendment Work Program.** A previous amendment proposal with the same or substantially similar subject went through the threshold review process, and was included in the Annual Comprehensive Plan Amendment Work Program but was not adopted pursuant to final review and action by City Council. Property that was added to an original proposal through geographic expansion by the City is also subject to the three year limitation in this circumstance.

3. **Alternatives for Proposals Not Included in the Annual Comprehensive Plan Amendment Work Program**

   a. **Ongoing Work Program.** A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be included in a previously-established ongoing work program if it raises policy or land use issues more appropriately addressed by such ongoing work program.

   b. **Comprehensive Plan Update.** A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered in the course of the City's next Comprehensive Plan Update required by RCW 36.70A.130(4) if it addresses a matter appropriate to include in the Comprehensive Plan and is consistent with current policy implementation in the Countywide Planning Policies, GMA, and other state or federal laws and implementing regulations.

**B. Amendment Proposals Initiated by the City Council or the Planning Commission**

1. **City Council**

   a. **Initiation**. Proposals to amend the Comprehensive Plan may be made by the City Council at any time. An affirmative vote of not less than a majority of the total members of the Council is required to initiate consideration of an amendment. Amendment proposals initiated by City Council are not subject to the three year limitations of LUC 20.30I.130.A.2.d. that apply to amendment proposals initiated by the public.

   b. **Review**. Amendment proposals initiated by City Council will be reviewed by the Planning Commission and acted upon by Council as set forth in LUC 20.30I.130.A.1.b, Final Review.

2. **Planning Commission**

   a. **Initiation.** Proposals to amend the Comprehensive Plan may be made by the Planning Commission at any time and submitted to the City Council for consideration for inclusion in the Annual Comprehensive Plan Amendment Work Program. Amendment proposals initiated by the Planning Commission are subject to the three year limitations of LUC 20.30I.130.A.2.d. that apply to amendment proposals initiated by the public.

   b. **Review.** The Council will review the Planning Commission proposals and determine which will be included in the Annual Comprehensive Plan Amendment Work Program. Those proposals included will be referred back to the Planning Commission and Council for final review as set forth in LUC 20.30I.130A.1.b.

### 3. Subarea Plan Review

The City Council may initiate a review of a Subarea Plan in accordance with the procedure specified in LUC 20.30I.130.B.1. when it concludes that the issues arising in a Subarea are of sufficient magnitude and complexity to merit review through a Subarea Plan review process.

Prior to review of a Subarea Plan, the Council shall approve a public involvement program that has the goal of effectively and efficiently soliciting a broad spectrum of public viewpoints.

## 20.30I.140 Threshold Review Decision Criteria

The Planning Commission may recommend inclusion of a proposed amendment to the Comprehensive Plan in the Annual Comprehensive Plan Amendment Work Program if the following criteria have been met:

A. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and

B. The proposed amendment is in compliance with the three year limitation rules set forth in LUC 20.30I.130.A.2.d.; and

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

D. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and

E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of "significantly changed conditions;" and

F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and

G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act, other state or federal law, and the Washington Administrative Code; or

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

**20.30I.150 Final Review Decision Criteria**

The Planning Commission may recommend and the City Council may adopt or adopt 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 the interests and changed needs of the entire City as identified in its long-range planning and policy documents; and

3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of "significantly changed conditions;" 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 3. Section 20.35.015.E. of the Land Use Code, Review and Appeal Procedures, Framework for Decisions, is hereby amended 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 proposals for amendments to the Comprehensive Plan;

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 a citywide or areawide basis.

Section 4. Section 20.35.030.A of the Land Use Code is hereby amended 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 rezone or for an areawide (Process IV) rezone.

4. The Planning Commission may propose site-specific and non-site-specific amendments to the Comprehensive Plan Map or to the text of the Comprehensive Plan for consideration pursuant to the procedure for consideration of Comprehensive Plan Amendments set forth in LUC 20.30I.130.B.2.

5. City Council, the Planning Commission, or the Director with the concurrence of either body, may initiate an amendment to the text of the Land Use Code.

6. A property owner or authorized agent of a property owner may apply to propose a site-specific amendment to the Comprehensive Plan pursuant to the annual procedure for consideration of Comprehensive Plan Amendments set forth in LUC 20.30I.130.A.

7. Any person may apply to propose a non-site-specific amendment to the Comprehensive Plan pursuant to the annual procedure for consideration of Comprehensive Plan Amendments set forth in LUC 20.30I.130.A.

8. 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 5. Section 20.35.410.B. of the Land Use Code, Review and Appeal Procedures, Planning Commission Procedure, Criteria is hereby amended as follows:

**20.35.410 Planning Commission Procedure.**

**B. Criteria.**

The Planning Commission may recommend the Council adopt or adopt with modifications a proposal if it complies with the applicable decision criteria of the Bellevue City Code or Land Use Code. In all other cases, the Planning Commission shall recommend denial of the proposal.

Section 6. Section 20.50.046 of the Bellevue Land Use Code is hereby amended by the addition of the following new definition:

**Significantly changed conditions.** Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan.

Section 7. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

PASSED by the City Council this 3rd day of January, 2006, and signed in authentication of its passage this 9th day of January, 2006.

(SEAL)

Grant Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Mary Kate Berens, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

Published January 7, 2006