City of Bellevue Submittal Requirements	**53a**

Comprehensive Plan Amendment and Procedures Guide

12/1/10

Thank you for using this Guide. Contact the Department of Planning & Community Development at 425-452-7857 if you need assistance in completing the application forms or have questions regarding the Comprehensive Plan Amendment review process. You may also visit our website at Bellevue PCD. Assistance for the hearing impaired: dial 711.

Purpose

The Comprehensive Plan (the Plan) is a document which guides the nature and intensity of development in the City of Bellevue. An amendment to the Plan is a mechanism by which the city may periodically modify its land use, development, or growth policies to reinforce the role of the Comprehensive Plan in guiding growth in our community.

Comprehensive Plan Amendments (CPA) are legislative decisions made by the City Council, and include public notice and Planning Commission public hearing requirements. CPAs are Process IV decisions under the Land Use Code at LUC 20.30I.

This Procedures Guide assists you in participating early and continuously in the annual CPA work program. The annual CPA work program is the process by which amendments are reviewed and evaluated for the Comprehensive Plan. The City Council will consider amendments to the Comprehensive Plan on an annual basis only, except for emergencies and as identified in the Growth Management Act.

Applications to initiate an amendment may be submitted between December 1 and January 31 for the immediately following year's annual CPA work program. Fill out the forms (available online and at Development Services), make the application in person, and pay the application fee.

PLEASE NOTE that CPA review is a two-step process. The first Threshold Review process (LUC 20.30I.130.A.1.a) **determines** whether applications should be included in the annual CPA work program. The second Final Review process (LUC 20.30I.130.A.1.b) **evaluates** those applications in the annual CPA work program, where a final decision is made by the Bellevue City Council.

If you are initiating a site-specific CPA and want to combine it with a Concurrent Rezone, please refer to Submittal Requirements Sheet 53b included on page six of this Guide. A concurrent rezone application provides the opportunity to shorten the overall review time for CPA and rezone of a specific site. However, the rezone application will be only reviewed sequentially after CPA adoption, and the rezone application will be cancelled if the CPA is not adopted.

Information on the CPA process (including the Procedures Guide), applications and materials, and other review milestones are available in hard copy and on the Web site.

Annual CPA work program general timeline

December – January	Application acceptance period to initiate Comprehensive Plan amendments
February 1	List of initiated applications is established
Spring	Threshold Review/geographic scoping/study sessions and a public hearing before the Planning Commission
Spring-summer	City Council establishes annual CPA work program
April	Concurrent rezone application is "split-off" for later Process III review
Summer-fall	Final Review/study sessions/and a public hearing before the Planning Commission
Fall	City Council action on proposed amendments

Procedures to Initiate an Amendment

Who may apply

Any person or entity may initiate a **non site-specific** amendment to the Plan, i.e., a proposal to change Plan text language. Property owners or their authorized agents may initiate a **site-specific** amendment to the Plan. You are encouraged to meet with Comprehensive Planning staff before submitting the application. Contact PCD staff at 425-452-7857 for details.

Step 1: The Application

Applications to initiate an amendment may be submitted between December 1 and January 31 for the immediately following year's annual CPA work program.

The application form offers the opportunity to submit an application for either a site-specific or a non site-specific CPA. After the initial project and applicant information (applicable to either type of CPA) is completed, an applicant is directed by sequential **Block** to complete the required information.

Block 1 requires location, designation and area details for a site-specific CPA.

Block 2 requires an applicant to propose non site-specific amendment language. A non site-specific CPA proposes changes to the text of the Plan.

An applicant is then asked in **Block 3** (for either type of CPA) to describe support, reasoning or background information addressing why an amendment is being proposed.

The final application block is divided into two sections. **Block 4a** (for either type of CPA) requires the applicant to describe consistency with all relevant Threshold Review decision criteria. See page five of this Guide for these criteria; they can also be found in LUC 20.30I.140. This block allows the applicant to state their case for including the proposal in the annual work program using the same Decision Criteria that the staff will use to make its recommendation to the Planning Commission.

If a proposed amendment is added to the annual CPA work program for Final Review by Council action, applicants will then be asked by staff to respond to the Final Review Decision Criteria. These criteria can be found on page five of this Guide; they can also be found in LUC 20.30I.150.

Responding to the "significantly changed conditions" decision criterion in Block 4a

One decision criterion has historically been the subject of considerable discussion during the CPA process:

- *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…*

Demonstrating evidence of change is the purpose of the "significantly changed conditions" decision criterion that is found in both Threshold and Final Review decision criteria. Applicants should understand the application of this criterion, including the definition of this term (in the Glossary at LUC 20.50.046):

> • ***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 LUC 20.30I - Amendment and Review of the Comprehensive Plan.*

The following list includes three examples of significantly changed conditions from recently approved CPAs:

- The **2006 Wilburton-Gateway Amendment** (ref. Ordinance No. 5830), where changing the multiple single-family and multifamily-low designations on a collection of sites into a single multifamily designation with an upper density limit enhanced the potential success of the site design by reinforcing existing policies to protect single family areas from the impacts of commercial development and traffic.
- The **Light Rail Best Practices Amendment** (ref. Ordinance No. 5834) where amendments were necessary to the Transportation Element and transit policies in order for Bellevue to effectively participate in and credibly influence regional light rail design and implementation decisions by Sound Transit for Eastlink.
- The **2008 Coal Creek Urban Growth Boundary Amendment** (ref. Ordinance No. 5860) where the adjustment at a regional level to include this site in the city's Urban Growth Boundary led to the need for establishing a Comprehensive Plan designation for the site and subsequent annexation, implementing an interlocal agreement between Bellevue and King County.

The following list includes three examples used in recent applications that were **not** considered significantly changed conditions:

- *Growth itself*. While a changed condition could be the rate and timing of growth either above or below that anticipated in the Plan, growth itself is planned for in the Comprehensive Plan.

- *The passage of time*. If time merely passes without changes as discussed in the previous example, there is no changed condition.

- *Housing supply and affordability provisions of the Growth Management Act (GMA).* It has been argued that the GMA is a changed condition, requiring communities to provide for more housing supply because of the GMA's urban growth focus. The King County Growth Management Policy Committee sets housing targets for the county and its cities. It is the responsibility of each city and the county to ensure adequate zoned land to accommodate its housing target. Bellevue has done this. Requesting higher residential densities and citing the GMA is not a changed condition. Bellevue's Comprehensive Plan was adopted in compliance with the GMA and contains elements responsive to the housing target provisions. However, *amendment* of the GMA or the regional planning policies raising consistency issues for Bellevue could be a changed condition warranting a consideration of a CPA.

Finally, **Block 4b** allows an applicant to respond to the decision criteria for a Rezone if a concurrent rezone application is being made. See the last page of this Guide for these criteria; they can also be found in LUC 20.30A.140. Please note that although an applicant should submit responses to these criteria with the concurrent rezone application, the rezone application will be canceled if the CPA is not adopted into the annual CPA work program.

Notes on other application materials

Public hearing notice requirements for Comprehensive Plan Amendments are described in LUC 20.35.420. The City of Bellevue provides mailed noticing materials, including labels. The City of Bellevue also produces and installs public information signs for proposals involving site-specific property. Applicants will be charged $210 per sign that is installed.

Applications require a SEPA environmental checklist (#27) and a Supplemental Sheet for Non Project Actions (#28). Applicants should refer to the Comprehensive Plan Amendment Submittal Requirements sheet for environmental review details.

Step 2: Determination of the Annual CPA Work Program – Threshold Review
As part of early and continuous public participation, the city will maintain a list of the CPAs that have been initiated for the year.

During Threshold Review the Planning Commission may expand the geographic scope of a site-specific proposal to allow for consideration of nearby, similarly situated property.

The Planning Commission will hold a Threshold Review public hearing and then make recommendations. The City Council will review those recommendations and the Threshold Review Decision Criteria to determine which initiated amendment proposals should be included in the annual CPA work program.

The City Council can determine that an initiated application will not be included in the year's annual CPA work program and (a) have no further action taken on it; (b) at Council discretion, be included in a previously established ongoing work program; or (c) at Council discretion, be included in the next Comprehensive Plan Update (CPU) required by RCW 36.70A.130 (4).

Three-year limitation on applications
Applications that have no further action taken on them after Threshold Review, or which are not adopted after Final Review, must wait three annual amendment cycles (i.e. three years) before the same or substantially similar proposals can again be initiated. See LUC 20.30I.A.2.d.

Step 3: Review of the Annual CPA Work Program – Final Review
The City Council will then direct the Planning Commission to hold a Final Review on the proposed amendments in the annual CPA work program.

Proposed amendments are reviewed using the Final Review Decision Criteria found in LUC 20.30I.150. At this point, applicants will be asked to demonstrate consistency with the Decision Criteria. See page 5.

A staff report, including environmental threshold determination, is prepared and presented to the Planning Commission. The Commission will hold a set of second public hearings and make recommendations. The City Council reviews those recommendations and makes a final decision.

Action on proposed amendments
The City Council takes coordinated and concurrent action on all proposed amendments to the Comprehensive Plan in the current annual work program.

City of Bellevue long-range planning and policy documents (not in the Comprehensive Plan):

- City of Bellevue Capital Investment Program Plan
- City of Bellevue Water Comprehensive Plan
- City of Bellevue Sewer Comprehensive Plan
- City of Bellevue Comprehensive Drainage Plan
- City of Bellevue Parks and Open Space System Plan

20.30I.140 Threshold Review Decision Criteria

The Planning Commission may recommend inclusion of a proposed amendment to the Comprehensive Plan in the annual CPA work program if the following criteria have been met:

A. The proposed amendment represents 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 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 mod-ifications 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.

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Concurrent Rezone Procedure Guide

12/1/10

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Owners of site-specific property who wish to initiate a Comprehensive Plan Amendment may combine the Amendment (AC) application with a concurrent Rezone (LQ) application. The combined application is an alternative to the separate application process of Amendment followed by Rezone.

The combined application recognizes the connection between these two review actions for site-specific property. Therefore, this concurrent application process can only be used for a site-specific property. Fill out the form titled Application for Comprehensive Plan Amendment, and check *Yes* in Block 1 for the box marked **Is this a concurrent rezone application?**

Each application will be reviewed using separate review processes. The initiated Comprehensive Plan Amendment will follow the Process IV decision procedure for the Comprehensive Plan described elsewhere in this Guide. After threshold review action for the Amendment, the concurrent rezone will follow the Process III decision procedure for rezones.

The Amendment is reviewed legislatively, with a public hearing before the Planning Commission and final annual action by the City Council. The concurrent Rezone is reviewed quasi-judicially, with a public hearing before the Hearing Examiner and final action by the City Council.

What is the difference between a comprehensive plan amendment and a rezone?

Under Chapter 36.70A.130(1) RCW the Growth Management Act requires communities to make their development regulations--the zoning--consistent with and implement the comprehensive plan.

A comprehensive plan designation represents the community's long-term vision for its future. The designation links this vision with the zoning district that helps to implement that vision. Plan amendments are legislative acts with broad public participation and discussion for the orderly and coordinated development of a community.

The rezone has a legal focus associated with its development role; the "quasi-judicial" nature of its review assigns specific legal responsibilities for property owners' due process and for the City Council to act as judges on a record of proceedings, in a quasi-judicial manner.

20.30A.140 Rezone Decision Criteria

The City may approve or approve with modifications an application for a rezone of property if:

A. The rezone is consistent with the Comprehensive Plan; and
B. The rezone bears a substantial relation to the public health, safety or welfare; and
C. The rezone is warranted in order to achieve consistency with the Comprehensive Plan or because of a need for additional property in the proposed land use district classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and
D. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
E. The rezone has merit and value for the community as a whole.