

CITY COUNCIL STUDY SESSION

Proposed Land Use Code Amendment (LUCA) to remove references to the East Bellevue Community Council (EBCC) from the Land Use Code (LUC) and to provide regulatory consistency City-wide by adopting previously disapproved Ordinances within the EBCC jurisdiction area.

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Development Services

DIRECTION NEEDED FROM COUNCIL

DIRECTION

Staff will be presenting the proposed LUCA to remove references to the EBCC from the LUC and to adopt previously disapproved Ordinances within the EBCC jurisdictional area. This LUCA responds to recently enacted state legislation sunseting the existence of the EBCC. Following discussion, staff will ask Council to enter a finding of necessity for Council to process this LUCA and to direct staff to schedule the public hearing.

RECOMMENDATION

Enter a finding of necessity for Council to process this LUCA and direct staff to prepare the recommended LUCA for a public hearing and final action in July.

BACKGROUND & ANALYSIS

EBCC History and LUCA Objectives

The EBCC was originally created in 1969 by voters as a condition of annexation into the City of Bellevue. As a community council, the EBCC is a creature of state law and has authority over certain land use decisions within its boundaries. The EBCC is authorized to review and either approve or disapprove ordinances amending the LUC and the Comprehensive Plan. When the EBCC votes to disapprove an ordinance, that ordinance is not effective only within its jurisdiction. In the LUC, the disapproval is reflected with a footnote after affected sections, noting that the section is not effective within the EBCC. In some circumstances, the EBCC has rejected ordinances that repealed certain amendments to the LUC, thereby making the original LUC sections only effective in the EBCC; these provisions are similarly noted. The result is that different LUC provisions apply in the EBCC and the City.

The LUCA is in response to House Bill 1769 (HB 1769), passed by the Washington State Legislature in 2022, which, in part, amended the state Community Municipal Corporations law to establish an expiration date for the statutory authority granted to community councils, and repealing the Community Municipal Corporations provision effective January 1, 2023. For the EBCC, this expiration occurs on or about July 8, 2022, ahead of the repeal of authorizing state laws. In 2003, the City undertook a similar

legislative effort when voters within the jurisdiction of the former Sammamish Community Council voted against its continuation.

This LUCA intends to address any resulting gaps and ambiguities, any resulting gaps, perceived ambiguities, and possible unintended consequences and establish consistent, and predictable provisions within the EBCC area. To do so, the proposed LUCA would extend the existing Citywide regulations into the EBCC area by adopting previously disapproved Ordinances within the EBCC jurisdiction area and removing EBCC-specific regulations.

LUCA Components

The proposed LUCA amends several chapters to remove all references, procedures, and other provisions related to the EBCC, and adopts previously disapproved provisions within the EBCC’s jurisdiction. A strike-draft of the LUCA is provided as Attachment A.

For ease of review, the LUCA components are categorized as procedural or substantive amendments. Procedural amendments do not affect which uses are allowed within certain districts and pertain only to the applicable procedures for these uses. Conversely, substantive amendments affect what uses are allowed and the requirements and standards governing these uses.

Procedural Amendments (Note: these amendments will have minimal to no effect on properties located in the EBCC area).

<i>Topic</i>	<i>Sections Affected</i>	<i>Effect of Amendment</i>
LI District height limits and bonus	20.20.010	Makes Citywide an allowance for certain buildings in the LI district to exceed the standard height limitations. There are no LI districts in the EBCC jurisdiction.
Homeless Services Uses	20.20.455	Applies the procedures for review and approval of this use (these uses are currently permitted as Transient Lodging in EBCC).
Conditional Use Permit (CUP) – Modification and Revocation	20.30B.170	Revises procedures for modification or revocation of CUPs to be Process I decisions Citywide. This was previously a Process III decision for sites in the EBCC jurisdiction.
Home Occupation Permits	20.30N.155	Removes EBCC as recipients of quarterly reports of Home Occupation Permits.
Review and Appeal Procedures	20.35.015 20.35.045 20.35.120 20.35.135 20.35.210 20.35.227 20.35.235 20.35.320 20.35.327	Removes requirements for EBCC review and approval of certain decisions, as well as appeal procedures for projects within the EBCC area.

	20.35.335 20.35.355 20.35.365 20.35.415 20.35.420 20.35.435 20.35.450 20.35.510 20.35.525 20.35.535	
Code Enforcement Action	20.40.300	Removes requirement for Development Services to forward petitions of code enforcement action to the EBCC.
Final Plat	20.45A.210 20.45A.230	Removes EBCC review from Final Plat procedures.

Substantive Amendments

Topic	Sections Affected	Effect of Amendment
R-7.5 Land Use District	20.10.020 20.10.200 20.10.440 20.20.010 20.25B.020 20.25H.040 20.25H.200 20.45A.060 20.45B.055	Allows for rezones to R-7.5 within EBCC, which was previously not a recognized Land Use District within the EBCC. This will allow consideration for increased densities for parcels designated for R-7.5 under the Comprehensive Plan. No change to the Comprehensive Plan map is required.
City Park	20.10.440	Codifies City Park as a land use in the EBCC with applicable procedures and requirements for siting.
Senior Housing in Crossroads	20.10.440	Allows for conversions of nonconforming multifamily development to senior housing uses in certain Crossroads Planning Districts.
Retail floor area limitations	20.10.440	Restricts the allowable floor area for retail uses within EBCC areas of the Northeast Bellevue, Southeast Bellevue, and Wilburton subareas, and within the CB Land Use District, to 100,000 sq. ft. or less. A review of King County records shows one parcel in the Kelsey Creek Village shopping center exceeds the allowed square footage for the CB district. If the proposed amendment is

		adopted, this would make this structure legally non-conforming, which under the LUC is permitted to continue in conformance with code requirements.
Height bonus for uses with basement parking	20.20.010	Makes available a height bonus for any building with basement parking (previously limited to only Office uses in EBCC).
Minimum parking reductions near frequent transit	20.20.590	Makes available a reduction in minimum parking requirements for residential uses within 1/2 mile of frequent transit. Previously limited to 1/4 mile in EBCC.
Trailers, boats and large vehicles (RV)	20.20.720 20.20.890	Revises regulations for RVs, watercraft, and utility trailers to be consistent with those Citywide, including parking and screening standards and requirements for using these vehicles as temporary dwellings.
Definitions	20.50.014 20.50.034 20.50.038 20.50.044 20.50.048 20.50.050 20.50.054 20.50.058	Makes applicable Citywide the following definitions: <ul style="list-style-type: none"> • Camper Shell • Offset • Recreational Vehicle • Utility Trailer • Watercraft • Yard Removes definitions specific to the EBCC: <ul style="list-style-type: none"> • Camper • Mobile Home • Motor Home • Offset* • Recreational Vehicle* • Trailer House <i>*Replaced with existing Citywide definition.</i>

These substantive changes may result in limited uses becoming non-conforming within the EBCC jurisdiction. Legally created non-conforming uses are permitted to continue until the use is abandoned as described in the LUC. A legally created non-conforming use may also be expanded in conformance with applicable requirements.

Public Engagement

Notice of this LUCA was consistent with Chapter 20.35 LUC procedural requirements to provide opportunities for public comment. The LUCA Application was published on June 9 in the Weekly Permit Bulletin, and availability of the Weekly Permit Bulletin was noticed in the Seattle Times.

Review Process



Staff recommends that Council make a finding of necessity to process this LUCA and hold the public hearing to ensure timely processing. Because community council authority expires on or about July 8, it is necessary to quickly amend the LUC thereafter to address any resulting gaps, perceived ambiguities, and possible unintended consequences. This will allow new development proposals within the former EBCC to proceed under Citywide development regulations.

POLICY & FISCAL IMPACTS

Policy Impact

The proposed LUCA responds to recent amendments to RCW 35.14.060, which established an expiration date for the statutory authority granted to community councils 30 days following the effective date of the amendments, which falls on or about July 8. The proposed amendments also adopt previously disapproved Ordinances and extend Citywide LUC provisions, to achieve consistency, and predictability within the EBCC jurisdictional area. Each of the Ordinances at issue were implemented through the LUCA process and were evaluated then for consistency with the Comprehensive Plan. As a result, the substance of each of the provisions has previously been determined by the City Council to further implement the City's Comprehensive Plan policies.

Additionally, the Comprehensive Plan contains language that supports the proposed LUCA, including:

- **Comprehensive Plan Policy ED-6:** Strive to provide an efficient, streamlined, timely, predictable, and customer-focused permit processes, conducted in a manner that integrates multiple City departments into a coordinated entity, recognized the role of development in creating places for economic activity.

Fiscal Impact

There is no fiscal impact associated with implementing these changes.

OPTIONS

1. Enter a finding of necessity for Council to process this LUCA and direct staff to prepare the recommended LUCA for a public hearing and final action in July.
2. Provide alternative direction to staff.

ATTACHMENTS

- A. LUCA Strike-Draft

AVAILABLE IN COUNCIL LIBRARY

N/A