

## CITY COUNCIL REGULAR SESSION

Ordinance amending the City of Bellevue Shoreline Master Program, chapter 20.25E of the Land Use Code (LUC), to remove references to the former East Bellevue Community Council (EBCC), consistent with amendments adopted in Ordinance No. 6670; and amending chapter 20.35 LUC to remove references to City Council appeal authority for Process I decisions, consistent with amendments adopted in Ordinance No. 6673; providing for severability; and establishing an effective date.

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*Development Services*

## EXECUTIVE SUMMARY

At the January 23 public hearing, following staff presentation, public comment and discussion, Council directed staff to finalize this Ordinance for approval. This Ordinance is a Land Use Code Amendment (LUCA) to conform provisions within the SMP, remove references to the EBCC, and to remove City Council appeal authority for Process I land use decisions.

## RECOMMENDATION

Adopt Ordinance No. 6731

## BACKGROUND/ANALYSIS

### Background

This Ordinance is a LUCA to conform the LUC with two ordinances adopted by Council in 2022. The staff report detailing the background and components of the proposed LUCA, as well as its relationship to the LUCA decision criteria in LUC 20.30J.135, can be found as Attachment A. The final strike-draft of the proposed LUCA is provided as Attachment B.

On July 18, 2022, the Council adopted Ordinance No. 6670 (Attachment C), removing references to the EBCC from the LUC following the Washington State Legislature's amendments to Chapter 35.14 RCW dissolving the remaining community councils in the state. On August 1, 2022, Council adopted Ordinance No. 6673 (Attachment D), amending LUC procedures for Process I and III decisions by removing the City Council's authority for hearing quasi-judicial appeals to Hearing Examiner decisions and recommendations. Amendments to sections of the LUC that are part of the City's SMP were not advanced this past summer, as those sections require the State Department of Ecology (Ecology) review and involvement. As proposed, this LUCA conforms the City's SMP (Chapter 20.25E LUC) to both ordinances.

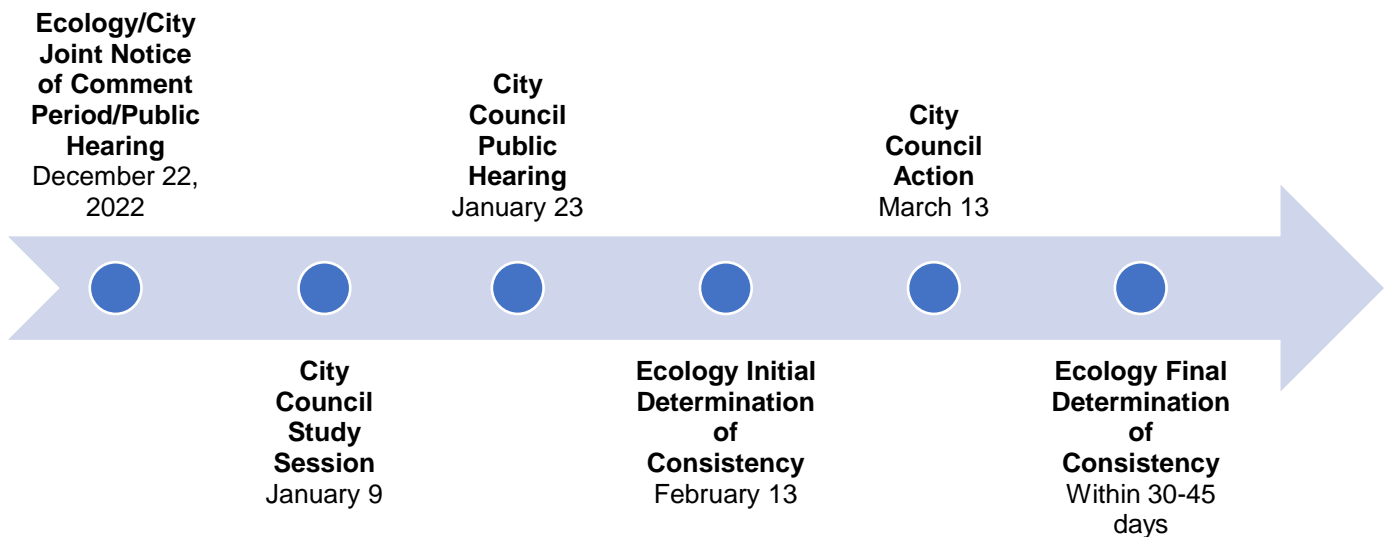
Council was introduced to the SMP Conformance LUCA during a study session on January 9, then held a public hearing on the proposed LUCA on January 23. During the hearing, one member of the public testified expressing disagreement with the state's termination of the EBCC. Following the hearing, Council directed staff to finalize an Ordinance for this LUCA, as drafted, for approval on the Consent

Calendar.

### Review Process

A separate amendment process is required for the SMP per the Shoreline Management Act (SMA), Chapter 90.58 RCW, and Ecology procedures for SMP review and approval under Chapter 173-26 WAC. Because of the additional review required by Ecology, Ordinances Nos. 6670 and 6673 did not include amendments to the SMP in order to efficiently process those LUCAs. An overview and proposed schedule of the SMP amendment process can be found in the staff report (Attachment A).

Per the requirements of the SMA, Ecology must issue an Initial Determination of Consistency with the SMA prior to adoption of the amendments. The City received this determination from Ecology on February 13 (Attachment E); thus, the proposed LUCA Ordinance may now be adopted by Council. Following Council action, the City will submit a request for a Final Determination of Consistency to Ecology.



## POLICY & FISCAL IMPACTS

### Policy Impact

This proposed LUCA ordinance conforms the City's SMP with other amendments recently adopted by Council. Further, the ordinance is supported by the following Comprehensive Plan policies encouraging efficient and predictable project review:

- **Comprehensive Plan Policy CE-5:** Develop and maintain Land Use Code provisions that define the process and standards relevant to each stage of land use decision making and educate the public about these processes and standards to promote meaningful citizen engagement.
- **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, recognizing the role of development in creating places for economic activity.

### **Fiscal Impact**

There is no fiscal impact associated with this LUCA ordinance.

### **OPTIONS**

1. Adopt the Ordinance amending the City of Bellevue Shoreline Master Program, chapter 20.25E of the Land Use Code (LUC), to remove references to the former East Bellevue Community Council (EBCC), consistent with amendments adopted in Ordinance No. 6670; and amending chapter 20.35 LUC to remove references to City Council appeal authority for Process I decisions, consistent with amendments adopted in Ordinance No. 6673; providing for severability; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

### **ATTACHMENTS**

- A. Staff Report
- B. Strike-Draft
- C. Ordinance No. 6670
- D. Ordinance No. 6673
- E. Department of Ecology Initial Determination of Consistency

Proposed Ordinance No. 6731

### **AVAILABLE IN COUNCIL LIBRARY**

N/A