

DATE: November 3, 2022

TO: Environmental Services Commission

FROM: Kate Nesse, Senior Planner - Community Development, Comprehensive Planning Division
Doug Lane, Utilities Planning Manager - Utilities, Engineering Division

SUBJECT: Comprehensive Plan Periodic Update: Policy Updates

ACTION REQUIRED

Staff is seeking the Commission's early feedback on the draft language of the policy updates to the Utilities element of the Comprehensive Plan.

BACKGROUND / ANALYSIS

EXECUTIVE SUMMARY

Council launched the update to the Comprehensive Plan on February 28, 2022, and must adopt the changes by 2024. The Environmental Services Commission is directed by Council to be involved in the update of the Utilities element of the Comprehensive Plan. The Commission has been informed about the overall scope of the update (April 7, 2022) and the scope of the update to the Utilities element (September 15, 2022). The Commission is requested to provide direction to staff on the draft language of the policy updates. The Commission's early feedback is useful to ensure that the updates are capturing any concerns. Some of these policies are interdisciplinary and may incorporate feedback from other commissions and subject matter experts. The Commission will review the draft language again in 2023 after feedback from all commissions and the public has been integrated.

Substantial proposed updates to the Utilities element and related policies include the following topics:

- Low-impact Development
- Wellhead Protection
- Water System Reliability
- Annexation

The changes are consistent with the direction of the changes to the guiding documents for the Comprehensive Plan including the state Growth Management Act (GMA), Puget Sound Regional Council's Multicounty Planning Policies (MPPs) and King County's Countywide Planning Policies (CPPs). It is also consistent with City Council's vision for Bellevue. In addition to the focus areas, additional changes are needed to reflect new tools and practices, especially in stormwater management.

POLICY ISSUES

DESCRIPTION OF AREAS OF FOCUS

Across all policies. Updates to policies in all sections have been made to correct typos and clarify language. In addition, some minor changes were also needed to reflect current tools and practices. (UT-24, UT-31, UT-33, UT-34, UT-36)

Low-Impact Development (LID). National Pollutant Discharge Elimination System (NPDES) regulations, including the City’s Phase II Municipal Stormwater Permit stipulate that the City "shall continue to require LID...when updating, revising, and developing new local development-related codes, rules, standards, or other enforceable documents"¹, with exceptions only where LID is infeasible. Current Comprehensive Plan policies lack consistency and imply LID is optional, using language such as “encourage” or “consider”. New language changes this to “require”, while allowing for exceptions where LID is not feasible. (UT-13, UT-38, EN-24, EN-45, EN-46, SH-25, SH-49, UD-42)

Wellhead Protection. The City’s existing wells are not currently designated as critical area. However, these areas are critical for clean drinking water. In addition, the Countywide Planning Policies support protecting and enhancing ecosystem services around wellheads to enhance water quality (CPP EN-18). Staff recommend revising introductory text to clarify that critical areas include wellheads. This change is consistent with the proposed new Well Head Protection policy in the draft Emergency Water Supply Master Plan.

Water System Reliability. Existing Comprehensive Plan policies use the term “reliable” redundantly, and without context or definition in the Utilities element. This could mislead the public about known vulnerabilities, and imply a level of service that is not currently attainable under conditions such as a severe earthquake. Clarifying edits to the Comprehensive Plan policies would acknowledge disruptions that could occur following a disaster, and require mitigation to improve performance consistent with the draft Emergency Water Supply Master Plan. (UT-1, UT-39, UT-41)

Annexation. The policies for annexation were written in the context of an earlier Potential Annexation Area (PAA). Bellevue has annexed all but a very small part of the PAA. Staff recommend updating these policies to reflect the relatively little remaining PAA and to anticipate other ways the City could be asked to either expand the service area or extend utilities. (UT-14, UT-15, UT-16, UT-17)

The text changes are in Attachment A.

SCHEDULE

The state requires the Plan be adopted no later than 2024. For Bellevue, the staff-recommended timeline takes the more conservative approach of planning for Council to adopt the Plan as early as June 2024. This way the City will have time to address any unforeseen circumstances prior to the deadline.

The planned engagement timeline for Environmental Services Commission is as follows:

- March 2023: (Direction) Discuss implications of growth alternatives on Utilities and develop preliminary Environmental Services Commission recommendation for Utilities Element policies.
- July 2023: (Action) Review full draft of the Comprehensive Plan Update and develop Environmental Services Commission policy recommendation for transmittal to the Planning Commission.

FISCAL IMPACT

There is no fiscal impact at this time.

ATTACHMENTS & AVAILABLE DOCUMENTS

A. List of changes to the text of policies.

¹ Western Washington Phase II Municipal Stormwater Permit – August 1, 2019. S5.C.1(C.1.c.i), page 11.

Attachment A. List of Changes to the Text of Policies

This attachment lists only the policies with changes related to city-managed utilities.

Policy Number	Current Text	Proposed Text
UT-1	Manage utility systems effectively in order to provide reliable, sustainable, quality service.	Manage utility systems effectively in order to provide reliable, sustainable, quality service, <u>and to mitigate service disruptions.</u>
UT-2	Build and manage city-owned utility infrastructure assets to reduce the likelihood of risks to public safety, property and environment, and disruption due to asset failure.	Build and manage city-owned utility infrastructure assets to reduce <u>service disruption</u> and the likelihood of risks to public safety, <u>economic vitality</u> , property and the environment, and disruption due to asset failure.
UT-13	Consider Low Impact Development principles to minimize impervious surfaces and native vegetation loss on all infrastructure improvement projects.	Consider <u>Require</u> Low Impact Development principles to minimize impervious surfaces and native vegetation loss on all infrastructure improvement projects.
UT-14	Make the city's utility service areas coincide with the Potential Annexation Area.	Make <u>Maintain</u> the city's utility service areas coincide with <u>so they include all</u> the Potential Annexation Area.
UT-15	Extend the service area boundaries only if landowners requesting service have begun the annexation process or have made prior agreements with city.	Extend Expand the service area boundaries <u>in cooperation with King County and neighboring jurisdictions. In unincorporated areas, expand the service area only if the land is part of the Potential Annexation Area. only if landowners requesting service have begun the annexation process or have made prior agreements with city.</u>
UT-16	Use pre-annexation agreements only if immediate annexation cannot be required or is not reasonable.	<u>Utilities may be extended outside the city within the service area if the annexation process has begun, through a Use-pre-annexation agreements only if immediate annexation cannot be required or is not reasonable, or through an interlocal agreement.</u>
UT-17	Extend water and wastewater utility service to unserved areas of the utility service area, including extensions into potential annexation areas, if the city's costs are reimbursed and provided that service will be extended only upon annexation to the city.	Extend water and wastewater utility service to unserved areas of the utility service area, including extensions into potential annexation areas, if the city's costs are reimbursed and provided that service will be extended only upon annexation to the city.

Policy Number	Current Text	Proposed Text
UT-24	<p>Promote the recycling of solid waste materials by providing opportunities for convenient recycling and by developing educational materials on recycling, composting, and other waste reduction methods.</p> <p>Discussion: Waste reduction and source separation are the city's preferred strategies for managing solid waste. Materials remaining after effective waste reduction and source separation should be handled in accordance with the King County Solid Waste Plan.</p>	<p>Promote the recycling of solid waste materials by providing opportunities for convenient recycling and by developing educational materials on recycling, composting, and other waste reduction methods.</p> <p>(Remove discussion, add to introduction)</p>
UT-31	Provide a reliable wastewater disposal system that ensures public health and safety, and protects the environment.	Provide a reliable wastewater disposal system that ensures public health and safety, and protects the environment.
UT-33	<p>Allow existing single family homes with septic systems to continue to use septic systems, provided they remain in compliance with Seattle-King County Public Health requirements.</p> <p>Homeowners are encouraged to connect to wastewater systems where available. If existing septic systems fail to maintain compliance with Seattle-King County Public Health standards and cannot be brought into compliance, homeowners should be required to connect to the wastewater system.</p>	<p><u>Encourage homeowners with septic systems to connect to wastewater systems where available.</u> Allow existing single family homes with septic systems to continue to use septic systems, provided they remain in compliance with Seattle-King County Public Health requirements. Homeowners are encouraged to connect to wastewater systems where available. If existing septic systems fail to maintain compliance with Seattle-King County Public Health standards and cannot be brought into compliance, homeowners <u>are</u> should be required to connect to the wastewater system <u>where available</u>.</p>
UT-34	Provide a storm and surface water system that controls damage from storms, protects surface water quality, provides for the safety and enjoyment of citizens, supports fish and wildlife habitat, and protects the environment.	Provide <u>and maintain</u> a storm and surface water system that controls damage from storms, protects surface water quality, provides for the safety and enjoyment of citizens , supports fish and wildlife habitat, and protects the environment.
UT-36	Design context appropriate stormwater management facilities that reflect the unique character of the neighborhood in which the site is situated.	Design context-appropriate stormwater management facilities that reflect the unique character of the neighborhood in which the site is situated.
UT-38	Encourage the use of low impact development and stormwater best management practices to manage stormwater runoff, which may result in smaller facilities constructed on- and off-site for flow control, conveyance, and water quality.	Encourage <u>Require</u> the use of low impact development and stormwater best management practices <u>where feasible</u> to manage stormwater runoff, which may result in smaller facilities constructed on- and off-site for flow control, conveyance, and water quality.

Policy Number	Current Text	Proposed Text
UT-39	Provide a reliable, cost-effective supply of safe, secure, high quality drinking water that meets the community's water needs in an environmentally responsible manner.	Provide a reliable , cost-effective supply of safe, secure, high quality drinking water that meets the community's water needs in an environmentally responsible manner.
UT-41	Provide reliable water service for domestic use, fire flow protection, and emergencies.	Provide reliable water service for domestic use, <u>and fire flow protection under normal operations. Proactively mitigate system vulnerabilities to improve performance and service restoration during and after,</u> and emergencies.
EN-24	Reduce runoff from streets, parking lots and other impervious surfaces and improve surface water quality by utilizing low impact development techniques in new development and redevelopment.	Reduce runoff from streets, parking lots and other impervious surfaces and improve surface water quality by utilizing <u>requiring</u> low impact development techniques in new development and redevelopment. (this is in discussion with other subject matter experts)
EN-45	Implement the city-wide use of low impact development techniques and green building practices.	Implement the city-wide use of low impact development techniques and green building practices. (working with other SMEs to separate LID & Green Building policies)
EN-46	Make low impact development the preferred and commonly-used approach to site development to minimize impervious surfaces, native vegetation loss, and stormwater runoff.	Make low impact development the preferred and commonly-used approach to <u>required for</u> site development to minimize impervious surfaces, native vegetation loss, and stormwater runoff.
SH-25	Encourage, using incentives such as regulatory flexibility and permit streamlining, the use of low impact development techniques, green building practices, native revegetation, and soft shoreline stabilization.	Encourage, using incentives such as regulatory flexibility and permit streamlining, the use of low impact development techniques , green building practices, native revegetation, and soft shoreline stabilization.
UD-42	Use low impact development principles early in the site design and development process.	Use <u>Require</u> low impact development principles early in the site design and development process.